

Part III

Statements of

Witnesses nos.

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10th November 1963.43 Sitting.

Present

Hon'ble Mr. Justice Muhammad Munir,
Chief Justice, PRESIDENT.

Mr. Fazal Ilahi, Advocate, assisted by
Mr. Ejaz Ali, for the Punjab Govern-
ment.

Mr. Yaqub Ali Khan, Advocate, assisted
by Malik Abdul Aziz, Advocate, for
Mian Mumtaz Muhammad Khan Daultana.

Mr. Nazir Ahmad Khan, Advocate, for
Jama'at-i-Islami.

Mr. Mazhar Ali Azhar for Majlis-i-Ahrar,

Mr. Asadullah Khan, Advocate, assisted
by Mr. Abdur Rahman Khadim and Mr.
Shulam Murtaza, Advocates, for Sa'at
Anjuman Ahmadiyya, Rawalpindi.

Mr. Fatch Muhammad Aziz, Advocate, for
Ahmadiyya Anjuman Isha'at-i-Islam.

Maulana Murtaza Ahmad Khan Maikash
Member, Majlis-i-Amal.

Witness No. 107. (Called by the Punjab Government)

Khan Hamid Ullah Khan, A. S. P., Rawalpindi.

on S.A.-

During the days when the statement of Maulana
Daud Ghaznavi was recorded, I was on special duty in
Lahore.

Q. When did you record Maulana Daud Ghaznavi's statement?

A. I recorded his statement on 16th June 1953.

The statement was made to me but was recorded by Sub

Inspector Talib Hussain. The statement was made in Urdu

and the words actually spoken by him were taken down by

Sub - Inspector Talib Hussain.

To Court:

Q. How do you know that he was taking down what Maulana

Daud Ghaznavi was saying?

A. I was close by Talib Hussain and was comparing the record

with what Maulana Daud Ghaznavi was saying.

To Mr. Fazal Ilahi, contd.-

Q. Maulana Daud Ghaznavi, when examined by this Court, has

denied having stated the following:-

"میں نے کسی کو یہ نہیں کہا کہ دودا اب کب آئے گا اور ضرور ہے اندر، وہ اب تیار ہو رہا ہے کسی وقت بھی
چھٹ سکتا ہے۔ اب وہ اتنا صاحب نے ان گڑوں کو کہہ کر اب لوگ گم ہے 4/4 چھٹیں گے وہ!"

Did he make this statement?

A. He did make this statement.

Q. He also denied having stated as follows:-

"فیس پر ہمارے بیچ" میں نے اور مولانا ابوالحسن صاحب نے کہا کہ وہ اتنا صاحب سے پوچھ کر اب کو بتائیں گے
کہ مزاحیہ کیوں تھے پیچھے جانے میں میں نے ان کو کہا کہ آپ اس قریب کو دروازہ عظمیٰ کے کھیلے سڑاق
میں رہے ہیں۔ گویا چاند کی جالی آپ کو گولی ہوئی ہے +

Did he say this?

A. He did.

Q. Did you record this statement of Maulana Muhammad Bakhsh Muslim?

A. Maulana Muhammad Bakhsh Muslim also made a statement in my presence and this was recorded by Sub Inspector Bunyad Husain. This was signed by Maulana Muhammad Bakhsh Muslim and is Ex.D.E.154.

To Court:

Q. Why did you examine Maulana Daud Ghaznavi?

A. He was an important worker of the Majlis-i-Ahwal and, therefore, I required him to make a statement.

Q. Was this statement made in the course of any police investigation?

A. No.

Q. Then what authority had you to take down the statement?

A. I think my proceedings were without any legal authority.

Q. Why did you feel the necessity of taking down this statement?

A. I was directed by Malik Haq Nawaz Khan, Officer on Special Duty to collect information.

Q. For what?

A. The object was not known to me. I did what I was directed to do.

Q. What was Malik Haq Nawaz Khan's duty in those days?

A. He was known as Officer on Special Duty.

Q. Was this after or during the disturbances?

A. The disturbances had completely ceased when the statements were taken.

To Mr. Fazal Ilahi, contd.

Before I recorded the statements of those two persons I definitely told them that it depended upon their will to make or not to make a statement. The statement of Maulana Daud Chaznavi was recorded at his own house. I had also gone to the house of Maulana Muhammad Bakhsh Muslim but not finding him, had left a message for him that he could contact me if he liked at the Kotwali. On the following day he came to the Kotwali and I recorded his statement.

Cross-examination by Mr. Yaqub Ali Khan, Advocate, on behalf of Mr. Daultana:-

Q. Is it true that Government had set up a proper organization under Mr. Haq Nawaz to record the statements of various persons relating to the disturbances?

A. I have no definite information on this point. We were working in water-tight compartments and I do not know what others were doing.

To my knowledge Sub Inspector Talib Hussain, Sub Inspector Bunyad Hussain and I were the only three officials working under the supervision of Mr. Haq Nawaz Khan.

Q. Who were the officials who were working in water-tight compartments?

A. 1. Inspector Chaudhri Munir Hussain,
2. Chaudhri Muhammad Yusuf,
3. Sub Inspector Inam Rabbani,
4. Sub Inspector Dabir Hussain,
5. One Sub Inspector Qureshi, and
6. Sheikh Iqbal Hussain, Prosecuting D.S.P.

Q. When did you take up this special job and how long were you on it?

A. I reported here on 20th May 1953 and returned to Rawalpindi in the middle of September. I also worked on other confidential inquiries.

Q. Did you go out of Lahore in connection with this inquiry?

A. No. I did not go out of Lahore in connection with this inquiry.

Q. How many statements did you record?

A. About a dozen.

Q. Did you have the statement made by Maulana Daud Ghaznavi to the Military Court with you

when you questioned him?

A. I had no idea that the Maulana had made any statement to the Military.

Q. Did you have any instructions as to how to question him?

A. Yes. The only instruction given to me was that I was to obtain a voluntary statement from him.

Q. Did you have any idea of the facts about which the witnesses had to be questioned?

A. Yes, I had the general background in my mind, but I put no leading question to them.

Q. Were you told which persons you were to examine?

A. Yes.

Q. Who gave you these instructions?

A. Mr. Haq Nawaz Khan.

Q. Were you receiving any instructions from time to time from Mr. Haq Nawaz Khan?

A. There were no definite instructions, though from time to time the names of the persons to be questioned were being given to me.

Q. Why did you not ask Maulana Daud Ghasnavi to write out the statement himself?

A. The Maulana preferred to make an oral statement.

Q. Did you ask him to sign?

A. Yes, I told him that he had to option to sign. He said that he would not like to sign the statement. But we it made no difference whether he signed or did not sign the statement.

Q. Who were the other persons whose statement were taken down by you?

A. Hakim Anwar Babri, Mian Muhammad Shafi, M.L.A., Maulana Abdul Hannan, Khateeb, Masjid Dato Ganj Bakhsh, Maulana Amin Ahsan Islahi, Sheikh Abdul Shaffar B.A. of Gujranwala, Mir Muhammad Hussain, Mistri Shams-ud-Din and Maulana Salim Ullah, Khateeb, Masjid Misri Shoh.

To Court:-

Q. When you started recording the statement had the constitution of the Court of Inquiry been announced?

A. As far as I know, the constitution of the Court of Inquiry had not till then been announced.

Q. What is the date of your recording the first statement?

A. 11th June 1953.

Q. Were you collecting this information for the Court of Inquiry?

A. I think so.

Cross-examination by Ch. Nazir Ahmad Khan, on behalf of Jama'at-i-Islami:-

Q. When did you record the statement of Amin Ahsan Islahi?

A. On 22nd June 1953. He was then confined in jail.

Further cross-examination by Mr. Yasuo Ali Khan (By permission):-

Q. Did you record the statement of Mr. Muhammad Shafi, M.L.A.?

A. It was recorded in my presence by the Sub Inspector Talib Hussain.

- Q. Mr. Muhammad Shafi denies having made this statement?
A. He may deny.

R.O. & A.C.

10th November 1953.

3d/- M. Munir
President

O R D E R.

Sub Inspector Talib Hussain has been given up by Mr. Fazal Ilahi, advocate, on behalf of the Punjab Government.

10th November 1953.

3d/- M. Munir.
President.

Witness No. 108 (Called by the Punjab Government)

Maulana Muhammad Sakhsh Muslim, on solemn affirmation:-

Q. Did you have anything to do with the Tahaffuz-i-Khatam-i-Nabuwwat movement?

A. The organisation, called Majlis-i-Tahaffuz-i-Khatam-i-Nabuwwat, was exclusively Ahl-e-Akbar. I had nothing to do with that organisation, I was, however, a member of the Majlis-i-Amal that was constituted in July in Lahore. I represented the Jami'at-ul-Ulama-i-Pakistan. I was a political advisor of Jami'at-ul-Ulama-i-Pakistan.
To Court:-

Q. What did you mean by your being a political adviser? What were your duties?

A. I was to advise them in politics. The object of our organisation was the consolidation of Pakistan and my duty was to advise the Jami'at in that behalf.

To Mr. Fazal Iqbal (continued):-

The speeches that were made from the platform of the Majlis-i-Amal were not provocative.

To Court:-

Q. Can you give an instance of the most sober speech made from the platform of the Majlis-i-Amal and reported in the papers?

A. Master Taj-ud-Din Ansari made one such speech in July or August 1952, outside Kothi Gate which was

reported in the "Laminder". Master Taj-ud-Din Ansari is ordinarily a temperate speaker.

To Mr. Fazul Ilahi (continued)

In July 1952, I was present in the office of Jamiyat-Ulams-i-Pakistan. Probably the date was 6th July.

Other present were Maulana Abul Hasanat, Maulana Ate Ullah Shah Bokhari, Sahibzada Faiz-ul-Hasan and Ghulam Muhammad Tarannum. Mir Nur Ahmad, D.P.R. also came there. He drafted a statement relating to some agreement between the Majlis-i-Ahrar and Mir Nur Ahmad.

That statement was taken by Sahibzada Faiz-ul-Hasan and Sayyed Ateullah Shah Bokhari for consideration. I understand that that very evening that statement was signed by Sahibzada Faiz-ul-Hasan on behalf of the Majlis-i-Ahrar. That statement was published in the newspapers.

To Court:-

- Q. Did not this incident occur immediately before or just after the firing in Multan?
- A. As far as I remember, the incident I am mentioning occurred after the firing in Multan.
- Q. If it is put to you that the firing was long after 6th July?
- A. I may be mistaken about the date.

To Mr. Fazal Ilchi continued:-

Q. Is it a fact that Mr. Daultana took part in the agitation through Maulana Akhtar Ali Khan and Sahibzada Faiz-ul-Haseen?

A. No. Sahib Faiz-ul-Haseen and Akhtar Ali Khan had both stated that they had seen Mr. Daultana.
Q. Did you make a statement to Sub Inspector Bunyad Hussain?

A. I was called to the Kotwali and was questioned by him, I stated what I knew.

Q. Did you in that statement say that Mr. Daultana had taken part in the agitation through Sahibzada Faiz-ul-Haseen and Maulana Akhtar Ali Khan?

وہ دہلی کے ایک شخص نے کہا کہ میں نے اسے اپنے پاس لایا تھا
وہ دہلی کے ایک شخص نے کہا کہ میں نے اسے اپنے پاس لایا تھا

A. No. I did not utter these words.

Q. Does this statement bear your signature?

A. Yes.

Q. Did you sign this statement without reading it?

A. I was read out the statement before I signed it. ✓
I myself did not read this statement.

Q. Did some members of the Majlis-i-Amal go to Karachi from Lahore?

A. Yes.

Q. Was the fare of those members of the Majlis-i-Amal

paid by Mr. Daultana through Ibrahim Ali Chishti?

A. I have heard that their fare paid by Ibrahim Ali Chishti and not by Mr. Daultana.

Q. Did you in your statement made at the Kotwali say that Mr. Daultana had paid the fare through Ibrahim Ali Chishti? ✓

A. Yes, I did make this statement.

Somebody had made an allegation in the Assembly which was published in the 'Dawn' that the fare of the members of the Majlis-i-Amal was paid by the Punjab Ministry and I adopted that allegation when I made my statement at the Kotwali. I considered the Ministry and Mr. Daultana to be synonymous.

Q. Did you ever see Mr. Daultana in the Secretariat when Maulana Abul Hasnat, Maulvi Tarannam, Hafiz Khadim Husain and Maulana Shamsi were also present?

A. Yes.

Q. Did Mr. Daultana then say that you should shout slogans against the Centre and that the movement should be directed against Karachi? ✓

A. No.

Q. Did you in your statement in the Kotwali say the following:

1001
 در اسرار و تصدیقات دہانہ کے ان کو یہ ایک شخص کے خلاف آزاد میں لکھنؤ - مولوی نور محمد ملک - ر
 یا ان کا نام نہیں - مولانا اکبر انوار - مولانا شمس الدین - مولانا محمد - دہانہ کے کیا یہ
 تحریر کر لینی میں پہلا "✓"

A. No. I did not say this.

Q. But this is contained in your statement, Ex.D.E.154,
 which is signed by you?

A. What Mr. Daultana had stated was that the Provincial
 Government was only concerned with Rabwah and that
 the other two demands did not concern the Province
 and related only to the Centre. ✓

Q. Was the railway fare of Maulvi Tarannam, Hafiz
 Khadim Hussain, Maulana Abul Hasnat and Maulana
 Shamsi for Karachi paid by Mr. Daultana?

A. No. I have heard that Ibrahim Ali Chishti paid
 the railway fare.

Q. Did you in your statement at the Kotwali made the
 following statement:

”جائے سے یہ دہانہ ملک کو سیر کر رہا ہے یعنی کیا - ان کا نام یہ ہے
 دہانہ ملک نے ہی دیا“

A. No.

Q. Then why did you sign this statement if it was wrong?

A. I think the recorder of the statement considered
 Ibrahim Ali Chishti to be merely acting on behalf
 of Mr. Daultana. I, therefore, did not see any
 objection to signing the statement as it was
 recorded. ✓

Q. Were you paid a sum of Rs. 1595/- by the Department of Islamiat up to February 1953? ✓

A. Yes;

Q. What did this payment represent?

A. This amount was my compensation for the speeches that I made in the jails. The speeches related to the moral reformation of the prisoners. I also lectured on 'Islam and Education' in schools and colleges.

Q. Did you also receive a sum of Rs. 135/- from the Department of Islamiat as compensation for your having written some articles in newspapers?

A. Yes.

Q. What did you write?

A. One of the articles related to corruption, the other two 'Grow More Food' and the third 'Islamic Principles'.

Q. were you a member of the Board of Islamiat?

A. Yes.

Q. What did you get as such member?

A. Rs. 150/-.

Q. Is it a fact that you were a strong supporter of the movement and used to deliver public speeches and write articles in the 'Zamindar'?

A. Yes.

Q. Did you receive any payments from the Department of Islamiat after one month's ultimatum had been delivered to the Premier?

A. Yes.

Q. Did you before you came to this Court for evidence, have any conversation with Mirza Hurmat Beg, Private Secretary of Mr. Daultana, just outside the Court?

A. Yes.

To Maulana Murtaza Ahmed Khan Maikash on behalf of
Majlis-i-Amal:

I went to the Kotwali as I was called there. I did not make my statement under the influence of the police. Before the Tahaffuz-i-Khatm-i-Nabuwwat movement was started by the Ahrar, other divines and religious parties were devoting attention to the doctrine of Khatm-i-Nabuwwat. Some books on this subject had also been written. No speech made from the platform of Majlis-i-Amal was taken action on by the Punjab Government; nor was any action taken by any other Provincial Government. The hartal that was observed on the occasion of the Premier's visit to Lahore on 16th February, was observed under a mandate from the Majlis-i-Amal. The railway fare of the persons who would go out to lecture in connection with the

movement was paid by the Majlis-i-Amal.

To Mr. Mazhar Ali Azhar on behalf of Majlis-i-Ahrar:

Q. Was not Sahibzade Faizul Hasan arrested in June

1952?

A. I did not know.

To Mr. Asadullah Khan, on behalf of Sadr Anjuman

Ahmadiyya

Q. Did the Majlis-i-Amal Punjab on 26th January 1953

approve of the ultimatum that had been delivered to

the Prime Minister by the Central Majlis-i-Amal?

A. Yes.

Q. Did the resolution of the Central Majlis-i-Amal that

was approved in that meeting use the following words:-

"Barah-i-rast iqdam"?

A. Yes.

To Court:

Q. When did you take your B.A.?

A. In 1918.

Q. What were your subjects?

A. I first took my Munshi Alim and then qualified for the

Degree by passing in English.

Q. Are you quite well up in religious matters?

A. Not much.

Q. Are you well up in politics?

A. I did not claim to be an expert.

Q. Is politics different from religion?

A. No.

Q. Who are the Asherites?

A. They are the followers of Maulana Abul Hasan Ali
Al'ashri.

Q. Have you read Ghazali?

A. Yes.

Q. And Alberuni?

A. No.

Q. What is your opinion about Ghazali?

A. He was a great Imam.

Q. The editor of Alberuni has said in his introduction
that but for the Asherites and Ghazali, Muslims would
have been a nation of Keplers, Newtons and Galileos.
Can you explain what that editor intends to say?

A. What he intended to say should be known to him. Ghazali
was a great astronomer and he was of the view that
a person who did not understand astronomy was
bound to remain ignorant of Islam.

Q. Was Ghazali a logician?

A. Yes. He was a great authority on the subject.

Q. Did he impose any limitations on logic and
reasoning?

A. Yes. The limitations which is his opinion must

govern all knowledge and conclusions are to be
found in the doctrines of Islam.

Q. Were there other members of the Punjab Majlis-i-Amal?

A. Yes.

The movement was being conducted by the Majlis-i-Amal. The Majlis-i-Amal did not include in its programme any disobedience all along. Maulana Abul Hasanat asked me to become ^{a member} of the Central Majlis-i-Amal, but I refused.

Q. Were you given the record of your statement in the Kotwali to peruse?

A. No.

To Court:-

Q. Did you ask the recording officer to let you read the statement before you signed it?

A. No.

I was at the Kotwali for about an hour and a half.

To Mr. Yaqub Ali Khan, on behalf of Mr. Daultana:-

Q. Were you generally questioned before your statement was recorded?

A. Yes.

Q. Were there any suggestions held out to you during your interrogation?

A. Yes, but I never accepted any suggestion which was false.

To Court:-

Q. Were you told why your statement was being recorded?

A. Yes, I was told that some material was being collected relating to the causes of the disturbances.

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To Mr. Yaqub Ali Khan (Continued):

I wrote several articles from a religious point of view on Ahmadiyyat and Khatm-i-Nabuwwat, but I received no payment for them.

To Court:-

Q. Were you writing these articles while payment for your other services was being made to you from the Department of Islamiat?

A. Yes.

To Mr. Yaqub Ali Khan (Continued):

Q. How much money did you receive from the Department of Islamiat between 22nd January and 27th February, 1953?

A. I cannot tell you because I do not have the account with me.

The Department of Islamiat was set up during the Mamdot

Ministry. I was paid a sum of Rs. 300/- for service rendered to the Department during that Ministry.

R.O. & A.C.,

Sd/- M. Munir
President,

10th November 1953.

Witness No. 109 (Called by the Punjab Government):

Qazi Murid Ahmad, M.L.A., on solemn affirmations:-

I was the President of the Majlis-i-Amal of Sargodha

Q. Were you ever sent for by Mr. Daultana?

A. Yes, as far as I remember he sent for me only once.

This was some time after the Convention in Lahore.

During my conversation with Mr. Daultana he asked

me if I was the President of the Majlis-i-Amal,

Sargodha. I answered in the affirmative and then

he remarked that I was comparatively a more

suited person for that office than the others.

Q. Were you offered any money for the movement

by Muhammad Saeed Qureshi, M.L.A. of Sargodha?

A. Muhammad Saeed Qureshi was originally a member

of the Majlis-i-Amal, but he was expelled because

of the apprehension that he would run the movement

with a political and not religious motive.

Q. Did you also feel that Muhammad Saeed Qureshi

would run the movement under the directions of

Mr. Daultana?

A. Yes. I did have that suspicion.

In fact no money was accepted from Muhammad Saeed

Qureshi, though some one, whose name I do not remember,

offered it on behalf of Qureshi.

To Mr. Asadullah Khan on behalf of Sadr Anjuman

Ahmadiyya Rahwah:-

Q. Did you make a speech on 26th September 1953 at Chiniot at a meeting presided over by Maulana Atteq-ur-Rahman who had just been released from prison?

A. Yes.

Q. Was a loud-speaker used on that occasion?

A. Yes.

Q. Did you in that speech say the following:-

”یہ پاپیایہ تھا نیراد یہ ذہبی کھنڈ۔ انہیں حاکم نہ سمجھو۔ ان سے مت ڈرو۔
انکی پروا نہ کرو“

A. I must have said that these officers were our brothers and one need not be afraid of them.

Q. Did you make the following speech:

”محمد علی دیو یا۔ شکر کامل الہی علیہ اربعین بات ہے۔ مگر انہی بکیم یعنی ام المومنین کو کیوں نہ
لیکھا۔ بھئی وہ خود حوالہ ام المومنین کے تھا اسکی بیوی ام المومنین ہی ہوتی ناں۔ ام المومنین
دیو گئی تھی کہ سلمانوں کا زندگی اور موت کا سوال مگر اگر اچھی میں حاضر آد
کے انکھوتے پر خراش آ جانے پر بھاگ آئی“

A. I said something to this effect though the words might have been different.

Q. Did you use the words "Amir-ul-Momineen" for the Prime Minister Muhammad Ali and "Um-ul-Momineen" for his wife?

A. I do not know.

To Court:

Q. Could you have possibly forgotten these words if you had used them?

A. I have already said that I do not recollect, but if I used these words, they could not have been used sarcastically.

To counsel continued:-

Q. Did you also say in your speech on that occasion the following:

۲۵ لاکھ مالکان کثیر میں موت کے معنی میں ہیں۔ اود یہ ہنر کے چھوٹے جہاں ہیں
دیے ہیں۔ میں ہر منہ ہر لگانہ۔ سگ باشت برادر خورد۔ ہشت

A. No.

Q. Did you also use the following words in your speech:

در ملتان۔ تم اپنے وطن سے ان اندر نے ساری حالت حاصل کرو۔ ایک
اندر نے چلے ہیں۔ اود بریلین ہیں۔ یہ جو اچھے ہیں۔ شراہیں ہیں۔ میں نے
وزیر اعلیٰ اپنی بے لوث صاحب سے کیا نہ فلاں فلاں کا دے گی کثیر ہادی دات جو
کھیتا ہے، اود دت کو کپوری میں ادنا کھتا ہے۔ یہ بارہ دت کو ۲۰ گانا کھتا ہے جو
باز ہے، اود ہر ۳۰ کا دے۔ یہ صاحب بیاد ہے، اس میں دت صاحب نے کہا کہ قاضی
صاحب مجھ سے بھی دے بارہ میں شکایت ملی ہے، مگر کا دوائی نہ ہوئی شکایت پر اود نہ
دوسری شکایت ہو۔

A. Ninety per cent of what you have read out to me is

incorrect though I did say that a particular Deputy

Commissioner used to gamble during the night and doze

during the day.

Q. Did you attempt to collect any funds for the Majlis-i-Amal in connection with this Inquiry?

A. Yes.

Q. Did you also tour in the Province for this purpose?

A. No. On the day that I made the speech at Chiniot, I was going to Jamiah Mohammadi in the Jhang District. On the way I was stopped by the Volunteers who organised a meeting at which I spoke.

Q. Did you collect any subscriptions at Gujrat?

A. No. It is true that a sum of Rs. 65/- was given by the Gujrat people as a subscription towards the funds needed for this Inquiry.

Q. Did you realize any subscription from Mirza Allah Ditta, President City Muslim League, Gujrat, for this inquiry?

A. No.

Two receipt books were handed over to certain persons for collection of funds in Gujrat and a paltry sum of Rs. 40/- or Rs. 50/- has been realized.

Q. Did you make any appeal for funds in Sialkot in a public meeting held at Ram Tulsi?

A. No.

Q. Any appeal by posters in that town?

A. Yes, certain posters asking for funds were published.

They were not confined to Sialkot and were meant for the whole Province.

To Maulana Murtaza Ahmad Khan Maikash on behalf of
Majlis-i-Amal:

Q. What was the occasion for the public meeting at Chiniot?

A. The meeting was advertised in connection with
Shahadat-i-Imam Husain.

There were rumours current in Chiniot that people from Rabwah and others had been proclaiming that anyone who took any interest in the collection of funds or collection of material for the Court of Inquiry would be arrested.

It was for this reason that I said that the public need not be afraid of the officials. At that time the constitution of the Court of Inquiry had been announced and also an advertisement by the Court itself that people who were willing to give any relevant information to the Court of Inquiry should come forward and supply the necessary material to the Court.

Q. According to the Qur'an, is the word "Ummul Mo'mineen" confined to the wives of the Holy Prophet?

A. Yes, everyone knows it.

In the same way the word "Amir-ul-Mo'mineen" was first used in respect of Hazrat Umar and subsequently the Caliphs of the Muslim State.

Q. When did you join the Muslim League?

A. After the Lahore resolution in 1940.

I am a member of Muslim League Assembly Party now and a member of the Council of All Pakistan Muslim League.

To Mr. Yaqub Ali Khan, Advocate, on behalf of Mr. Daultana:-

I have been associated with the Khatm-i-Nabuwwat movement from June 1952 to March 1953. Throughout this period no effort was made by the previous Ministry to influence the Majlis-i-Amal or to use it for any political purpose. The Khatm-i-Nabuwwat movement

had the support of the entire Muslim community of the district of Sargodha.

I was present at the All Parties Muslim Convention at Lahore on 13th July 1952, I was also in touch with the several members of Majlis-i-Amal Punjab.

Q. Do you have any differences with Muhammad Saeed Qureshi?

A. Yes, He opposed my candidature for the Muslim League ticket.

In my interview with Mr. Daultana he expressed his complete confidence in me and in words which I do not now remember, remarked that I was a true well-wisher of Pakistan and that I would not do anything which might be against the interests of the country. As far as I know, Mr. Daultana had no political motive in associating himself with the Khatm-i-Nabuwwat movement or in encouraging it.

I was present in the meeting of the Council of the Provincial Muslim League held in Lahore on 26th July 1952. For the consideration of that meeting I had forwarded a resolution asking the Council of the Muslim League to recommend to the Centre that the Ahmadis be declared to be a minority. The proceedings of the Council started with rowdyism. There was a general

vociferous demand that the resolutions as proposed should be carried out. Mr. Daultana asked the audience to listen to him and made a speech lasting for about half an hour. Against my resolution Mr. Daultana required Sayyed Mustafa Shah Gilani to move his own resolution which was eventually adopted.

To Court:-

Q. Were you arrested in connection with the disturbances?

A. Yes.

Q. When?

A. On 5th March 1953.

Q. Do you know the reason for your arrest?

A. The arresting authorities did not state any reason for my arrest in writing, but I presume that I was arrested because of my connection with the Khatm-i-Nabuwwat movement.

Q. Did you hold any office in the League at the time of the disturbances?

A. I was the President of the Primary Muslim League of my village Mardwal, district Sargodha.

Q. Which ticket did you stand on for election?

A. The Muslim League ticket.

Q. Did you ever before stand for election to the Provincial Legislature?

A. No.

Q. Did you have any chances of election to the Assembly if you had not obtained the Muslim League ticket?

A. Even if the League had not given me the ticket and I had to stand as an independent candidate, I think, that I would have succeeded.

Q. How much land do you own?

A. Twenty kanals.

Q. What do you do for your living?

A. Up to the date of my arrest I was commission agent in grain business.

Q. Did you hold any licence for this kind of business?

A. Yes.

Q. Who gave you this licence?

A. District authorities.

Q. What income-tax do you pay?

A. None.

Q. Do you know if any League organisation in the District of Sargodha passed any resolution relating to Khatm-i-Nabuwwat?

A. The District Muslim League passed no such resolution, but I know nothing about the City Muslim League. No meeting of the District Muslim League has been held for a year and a half.

Q. When did you draft the resolution which was submitted to the Council of the Provincial Muslim League?

A. That resolution must have been drafted 10 or 15 days before the date of the meeting of the Council.

Q. Did you consult any one when you drafted the resolution?

A. It was my individual act.

Q. Do you know that this resolution had dangerous possibilities

A. No, I apprehended no danger from the resolution that I intended to move.

Q. Did you, before you sent your resolution, consult any higher authority in the Muslim League?

A. No.

Q. Were you a supporter of the "direct action"?

A. I know nothing about "direct action", but what was intended to be done was "rast iqdam".

Q. When did you hear the words "rast iqdam" for the first time?

A. I do not remember.

Q. In what connection did you come across the words "rast iqdam"?

A. I read in the newspapers that the Central Majlis-i-Amal had passed a resolution threatening to resort to "rast iqdam", if the demands were not satisfied.

Q. Can you give reference to any newspaper in which the words "rast iqdam" were used and not the words "barah-i-rast-iqdam"?

A. I cannot give reference to any particular papers, but all the papers including the "Zamindar" were using the words

"rast iqdam".

Q. What did you take "rast iqdam" to mean?

A. I took this expression to mean that Musalmans were to hold public meetings and pass resolutions to communicate the demands to the Government, arrange deputations in this connection to wait on the district officials but not to engage in any unconstitutional methods.

Q. How did you happen to get this meaning of "rast iqdam" - from some dictionary or from some authoritative explanation given by those who invented this term?

A. "Rast iqdam" is a compound word consisting of "rast" meaning "right" and "iqdam" meaning "steps forward". I, therefore concluded that "rast iqdam" meant that people were to go direct to Government with the demands.

Q. Before the resolution of "rast iqdam" had not deputations waited on Government and Government officials and had not public speeches been made almost everywhere in support of the demands throughout the Province?

A. Yes. All these things had been done before, but, after the "rast iqdam" resolution, they were to be done more vigorously.

Q. Do you know that your position as an M.L.A. is due to the Muslim League?

A. Yes. I do realise it.

Q. Did you realise that Government in power is a Muslim League Government?

A. I knew it full well.

Q. If "rast iadam" meant civil disobedience or violation or breach of the laws of land, then you would certainly not have joined the movement?

A. No. If I had taken "rast iadam" to mean any such thing as the Court suggests, I would have refrained from joining the movement.

Q. Do you agree that any action on the part of a Muslim League which is intended to embarrass the Government or to depose it is a breach of fidelity to the League?

A. If the matter is a religious matter, I would not care for the Muslim League or for the Muslim League Government.

Q. Were the three demands based on religion?

A. I consider that so far as the demand relating to the declaration of Ahmadis as a minority was concerned it was based on religion. (Again stated) All the three demands were based on religion.

Q. Is the word "aqaliyyat" a religious terminology?

A. No. It is used in its dictionary meaning.

Q. Is the declaration of a particular community a minority a religious question or a political question?

A. To me, it is a religious question.

Q. What did you take the words "key posts" to mean?

A. A "key post" is a post which is important and which if occupied by a non-Muslim might imply danger to the State.

Q. How many Ahmadis were occupying key posts when a demand for their removal from those posts was made?

A. I know that hundreds of Ahmadis were occupying what I considered key posts but I cannot name anyone of them.

Q. When were you released?

A. On 15th June 1953.

Q. Were any public meetings organised by the members of the Muslim League at Sargodha to enable the Ahrar leaders to speak?

A. I remember that one meeting was held under the presidentship of Muhammad Saeed Qureshi, M.L.A., at which Maulana Attullah Shah Bokhari was the principal speaker.

R.O. & A.C.

Sd/- M. Munir
PRESIDENT.

10th November 1953.

O R D E R.

Adjourned till tomorrow for further proceedings.

Sd/- M. Munir
PRESIDENT.

10th November 1953.

11th November 1953.49th Sitting.

Present:

Hon'ble Mr. Justice Muhammad Munir,

Chief Justice,

PRESIDENT.

Mr. Fazal Ilahi, Advocate, assisted by

Mr. Ejaz Ali, for the Punjab Government.

Mr. Fateh Muhammad Aziz, Advocate, for

Ahmadiyya Anjuman Isha'at-i-Islam.

Mr. Asadullah Khan, Advocate, assisted by Messrs.

Abdur Rahman Khadim and Ghulam Murtaza,

Advocates, for Sadr Anjuman Ahmadiyya, Rabwah.

Mr. Mazhar Ali Azhar, Advocate, for Majlis-i-Ahrar.

Mr. Yaqub Ali Khan, Advocate, assisted by Raja

Said Akbar, Advocate, for Mian Mumtaz Muhammad

Khan Daultana.

Mr. Nazir Ahmad Khan, Advocate, for Jams'at-i-Islami.

Maulana Murteza Ahmad Khan Maikash, Member, Majlis-

i-Amal.

Witness No. 110 (Called by the Punjab Government).A.R. Shiblee, Journalist, on solemn affirmation:-

From December 1950 to March 1953 I was the

Chief Editor of the "Zamindar".

Q. Who determined the policy of the "Zamindar"?

A. The proprietor.

Q. Who was he?

A. Maulana Akhtar Ali Khan.

Routine leading articles used to be written by myself but 'policy leaders' were either dictated or written by the proprietor himself. The policy of the "Zamindar" was anti-Ahmadiyya throughout. The Tahaffuz-i-Khatm-i-Nabuwwat movement was started in July 1952 and the "Zamindar" strengthened its campaign in favour of it.

Q. Did you ever have any talk with Maulana Akhtar Ali Khan on the question whether the anti-Ahmadiyya policy of the paper was favoured by the Provincial Government or not?

A. Yes.

Q. What did Maulana Akhtar Ali Khan say?

A. The Maulana said that the attitude of the Provincial Government was in favour of the campaign.

Q. Did Maulana Akhtar Ali Khan ever refer to the Chief Minister's attitude during these talks?

A. Yes, several times. The Maulana said that Mr. Daultana had said that he had no objection whatsoever to the policy that the paper was pursuing.

Q. Did he say that Mr. Daultana appreciated the continuance of the anti-Ahmadiyya policy of the paper?

A. Yes, According to Maulana Akhtar Ali Khan Mr. Daultana said that this policy was in complete accord with the popular

wishes.

Q. Did you yourself have any talk with Mr. Daultana on this subject?

A. Yes. Twice or thrice.

Q. What did he say about the anti-Ahmadiyya policy that the paper was pursuing?

A. He said that if the movement were directed against the Centre he would have no objection. He also added that if the movement lead to disorders in the Punjab he would be obliged to take action.

Q. Did you ever meet Mir Nur Ahmad, D.P.R.?

A. On several occasions.

Q. What did he say?

A. He said that the Government had no objection to the anti-Ahmadiyya policy that the paper was pursuing, provided there was no disorder in the Punjab.

Q. How did Mir Nur Ahmad like what the paper was writing about the anti-Ahmadiyya movement?

A. I have already said that he had no objection to the policy that was being pursued by the paper, provided it did not lead to disorders in the Punjab.

Q. Did Mir Nur Ahmad say that the anti-Ahmadiyya policy of the paper was being appreciated by the Government?

A. No. I do not think the word "appreciation" was used by Mir Nur Ahmad.

Q. Did you make any statement to the military in May 1953?

A. They interrogated me and I answer the questions put.

Q. Were the answers reduced to writing?

A. Yes.

Q. Did you sign the statement so prepared?

A. Yes.

Q. Did you, as recorded in Ex.D.E./155, state to the military officer questioning you "that the Director of Public Relations assured (you) that the way the 'Zamindar' carried the movement was appreciated by the Government"?

A. Yes. I may have said that.

Q. Did Maulana Ibrahim Ali Chishti ever contribute to the "Zamindar"?

A. Yes. He contributed under the pseudonym of "mufakkir" and sometimes he preferred to remain anonymous.

Q. What was the subject-matter of those articles?

A. He once translated Allama Iqbal's pamphlet on anti-Ahmadiyya. All the articles written under the heading "سب سے بڑا گمراہی کا اتحاد جو ہندوؤں کی" were contributed by Ibrahim Ali Chishti. This series of articles is a translation of Allama Iqbal's aforesaid pamphlet. A large number of articles under fictitious names were received by the "Zamindar" from the Office of the Director of Publication Relations, the Department of Islamiat, the Kisan Committee and the Provincial Muslim League. The directions of the proprietor were that any article received from

any of these sources was to be published and no inquiry was to be made about the actual author of that article. Ibrahim Ali Chishte also used to contribute articles to the 'Civil & Military Gazette' in the name of "mufakkir". I do not know of any ^{one} else using the pseudonym of "mufakkir". I do not know whether the articles that were published in the name of "mufakkir" were actually written by Ibrahim Ali Chishte, but I know that all articles written in the name of "Mufakkir", "Mubassir" and "Muhaqqiq" were received from the Department of Islamiat, or the Director of Public Relations, or the Provincial Muslim League or the Kisan Committee.

Q. What was Kisan Committee?

A. It was a branch of the Muslim League which was being run by Ata Ullah Jahanian.

The Kisan Committee was initiated by Mr. Daultana himself.

Q. Did the "Zaminder" observe any distinction in its policy in regard to the Centre and that in regard to the Province?

A. The policy, as determined by the proprietor, was that on national issues the Central Government had to be supported, but, if there was some conflict between the Province and the Centre on any matter, the paper was to support the Province against the Centre.

Q. What is the tendency of the articles appearing in the

"Zemindar" during November and December under the heading:

”زمینداروں کی پالیسیوں کو کیسے دور کیا جائے گا“

Is their tendency against the Centre or against the Province?

- A. These articles were written under the policy which I have already described, namely, that in case of conflict between the Centre and the Province the paper was to support the latter.

The articles tend to show that the policy of the Centre in regard to food, commerce and foreign affairs was not satisfactory.

All articles under this heading are over the signature of Maulana Akhtar Ali Khan.

Q. To whom does "young blood" refer in the article, Ex. D.E. 156, in the "Zamindar" dated 30th November 1952?

A. The "Zamindar" used this term for Mr. Daultana and his companions who subscribed to his views. To Ch. Asadullah Khan on behalf of Sadr Anjuman

Ahmadiyya, Rabwah:

Q. Were the meetings of the Punjab Majlis-i-Amal held in the office of the "Zamindar"?

A. Yes.

Q. Were these meetings attended by Maulana Daud Ghazanvi and Maulana Murtaza Ahmad Khan Maikash?

A. Yes, they used to come, but after a certain date they stopped coming. Probably their visits decreased after Id Qurban.

The Manager and Maulana Akhtar Ali Khan told me that the decrease in their attendance of the meeting of the Majlis-i-Amal was due to some dispute about money.

To Court:

The Qurbani skins collected by the Majlis-i-Amal fetched about Rs. 20,000/-. I heard that Maulana

Daud Ghaznavi and Maulana Murtaza Ahmad Khan Maikash

was suspecting Maulana Akhter Ali Khan of misappropriating the funds of the Majlis-i-Amsl.

To Counsel contd:-

Q. Is it true that the campaign against the Ahmadis was intensified in the "Zamindar" after the statement of Maulana Zafar Ali Khan, which he made at Murree in July 1952?

A. Yes, that is true.

To Court:

Q. What was the condition of Maulana Zafar Ali Khan's health in July?

A. He lay seriously ill and was unable to see or hear or speak properly.

Q. Was the aforesaid statement of Maulana Zafar Ali Khan the production of the Maulana himself?

A. We were directed by Ch. Ghulam Haider Khan, younger brother of Maulana Zafar Ali Khan, to issue that statement of Maulana Zafar Ali Khan. The statement was composed by some of the sub-editors.

Subsequent articles in the name of Maulana Zafar Ali Khan were also composed by the members of the staff under instructions from Maulana Akhter Ali Khan or Ch. Ghulam Haider Khan.

To Counsel contd.-

Q. Were any resolutions relating to the movement

drafted in the office of the Director of Public Relations
or the Department of Islamiyat?

A. Yes.

Q. What were those resolutions?

A. One related to reference of the demands to the Centre
and the actual words used were:-

"Ham markaz ki baligh nazri par chhorta hain".

This resolution was subsequently proposed and
passed at the meeting of the Council of the Provincial
Muslim League. The other resolutions were the
resolutions of the Majlis-i-Amal, which were drafted
by Ibrahim Ali Chishty. All these resolutions had
reference to the anti-Ahmadiyya movement.

Q. Who sent for publication the advertisement Ex. D.B. 17
which was published in the "Zamindar" of 6th November
1952?

A. This was handed in by Maulana Ashtar Ali Khan to the
staff on duty during the night. On the following day
an article was written by the Civil and Military Gazette
criticising the Government's involving itself through the
Department of Islamiyat in this controversy. There was
some comment on this subject from other sources as well.

As the editor of the paper, I inquired how this advertisement came to be published. The sub-editor showed me a handbill with the heading "Hafta Shajarkari" and I noticed that the manuscript of this advertisement had been prepared by adapting the terms of that handbill by substituting certain words for others. The last line of this advertisement, namely:-

"Tafseeli itla'at All Parties Muslim Convention
ya Sho'ba-i-Islamiat Punjab Government se hasil
kijie "

appeared in that handbill in print with the exception that the words "All Parties Muslim Convention" were added to it in manuscript.

Q. Who paid the bill for this advertisement?

A. As far as I know, nothing was charged for this advertisement.

(Again said) The advertisement either related to Shajarkari or Yaum-i-Sehat or some other matter.

All advertisements from the office of the Director of Public Relations were charged and apparently no amount was charged for the advertisement in question because it was an advertisement relating to the Majlis-i-Amal and had been handed in for publication by Maulana

Akhtar Ali Khan. A gentlemen's agreement between the Ahrar and Mian Mumtaz Muhammad Khan Daultana was

discussed in my presence between the Ahrar leaders, namely, Sahibzada Faiz-ul-Hasan and Sayyid Atsullah Shah Bokhari, on the one side, and Maulana Akhtar Ali Khan, on the other. The agreement was that if the Ahrar were to carry on the anti-Ahmadiyya movement, Mr. Daultana would take no action against them in the Province. In return the Ahrar were to support Mr. Daultana in the elections and other matters. This agreement was arrived at very probably in the month of July 1952 after Mr. Daultana had returned from Murree.

(Originally the witness had stated that this agreement was arrived at before the report of the B.P.C. was published).

Q. Were any elections to be held in those days?

A. No, but it was thought that there might be disorders in the Province and the Assembly might be dissolved under section 92-A of the Constitution Act necessitating fresh elections. The arrangement was that in such a contingency Mr. Daultana was to seek election on the Khatm-i-Nabuwwat ticket. In my presence Maulana Akhtar Ali Khan telephoned to Mr. Daultana saying that the agreement had been arrived at and that he (Maulana Akhtar Ali Khan)

would see Mr. Daultana on the following day. Next

day Maulana Akhtar Ali Khan went to Mr. Daultana

and on his return said that the arrangement had been

communicated to and approved by Mr. Daultana.

(At this stage Mr. Asadullah Khan brings it to the notice of the Court that Mir Nur Ahmad and his son, who were sitting in Court opposite to the witness, and Mr. Yaqoob Ali Khan, counsel for Mr. Daultana, have walked out of the Court. A moment later it was again pointed out by Mr. Asadullah Khan that Mr. Yaqoob Ali Khan, Mir Nur Ahmad and his son have returned to Court together).

To Mr. Yaqoob Ali Khan, on behalf of Mr. Daultana:-

Q. When did you join the "Zamindar"?

A. In August 1949 as a Literary Editor.

Q. Since when have you been in the profession of journalism?

A. Since 1937.

Q. Were you a reader of the Zamindar before you joined it?

A. Yes. I was a casual reader.

Q. Is it a fact that the policy of the "Zamindar" has been anti-Ahmadiyya for a very long time?

A. Yes. The "Zamindar" has been writting against the Ahmadis since 1909, but the movement of Tehaffuz i-Khatm-i-Nabuwwat was taken up by that paper only in

July 1952.

Q. Did you ever write any articles against the Ahmadis?

A. Yes. I wrote several articles against the Ahmadis.

Q. Are you an Ahmadi?

A. No.

Q. Is your father an Ahmadi?

A. Yes. He belongs to the Qadiani sect.

Q. His pseudonym?

A. Akmal.

Q. Were the following couplets composed by your father:

”عقد ہر آنرا ہے چاہے میں - اور آئے ہیں پر فلراہی جاناس
عقد دیکھتے ہوں جس نے اکیل - وہ ۳۱ اگلے دیکھتے وادیا رہیں“

(Ex. D.E. 157)

A. They are attributed to him but I do not find them in any of his Diwans. These are very old couplets, written more than twenty years ago, and I understand that he recalled them by publishing an article in the "Alfazl".

Q. Did these two couplets represent the belief of your father or did they merely amount to poetic licence.

A. I do not know.

- Q. Do you know that what is contained in these two couplets has been the subject of controversy between the Lahori and the Qadiani sects of Ahmadis?
- A. Yes. I saw some discussion between the two sects about the subject-matter of these couplets, in the newspapers.
- Q. Is the article, Ex. D.E. 158, in the "Alfaaz" of 22nd August 1944 by your father?
- A. I do not know.
- Q. If Ex. D.E. 158 represents the views of your father will you still say that he recalled the aforesaid two couplets?
- A. I cannot say.
- Q. How old is your father?
- A. About seventy.
- Q. Do you reside with your father?
- A. We live in the same building but have separate houses.
- Q. Did you ever meet Mr. Daultana?
- A. Yes, twice or thrice.
- Q. You have said that you met Mr. Daultana twice when he mentioned certain things to you. Can you give the dates of these two meetings?

A. I cannot give you the correct dates, but both the dates fell in the later half of 1952.

Q. When the disturbances came about, did you realize that what Mr. Daultana had told you had acquired an important bearing on the situation?

A. Yes.

Q. How long were ^{you} ~~interrogated~~ by the military officer?

A. For an hour.

Q. Where were you interrogated?

A. At the Gynkhana.

Q. Who interrogated you?

A. Major General Nazeer.

He asked me different questions and I replied to them. The questions related to the insertion of the advertisement in the "Zamindar" of 6th November, to some articles written in the "Zamindar", the general policy of the "Zamindar" and the attitude of Mr. Daultana towards the movement.

Q. Did you tell the military officer what you have stated today as having transpired between you and Mr. Daultana?

A. If I was questioned about it, I must have mentioned

it.

Q. Look at your statement, Ex. D.E. 155. How is it that it contains no reference to any meeting between Mr. Daultana and yourself?

A. As far as I remember, I mentioned the incident to the officer who questioned me though it does not appear to have been taken down. The officer did ask me whether I had met Mr. Daultana or not.

I signed that statement after I had read it.

Q. Did you point out to the officer that something which you had stated had not been recorded?

A. No.

Q. How is it that the statement containing nothing about the advertisement of 6th November?

A. I had stated that Maulana Akhtar Ali Khan knew the circumstances relating to that advertisement. It may be that the military officer then questioned Maulana Akhtar Ali Khan about it in full. If the military officer had asked me about the details of that advertisement, I would have stated what I knew.

Q. Are you now employed in the "Millat"?

A. Yes. The "Zaminder" ceased in March 1953. The "Millat" started in May 1953 and I agreed to become its Editor.

Q. Does the "Millat" belong to Kh. Nazir Ahmad?

A. No. It is published by the "Civil & Military Gazette Limited".

Q. Do you know that the "Civil & Military Gazette" exclusively belongs to Kh. Nazir Ahmad?

A. No.

Q. Who employed you? Was it Kh. Nazir Ahmad?

A. I was employed by the "Civil & Military Gazette". My name was suggested by Matghoob Siddiqi and Fazl-i-Mahmood, who are on the staff of the "Civil & Military Gazette" and are my friends.

The letter of appointment came to me from Maulvi

Muhammed Yaqub Khan, the Manager of the "Civil & Military

Gazette". Maulvi Muhammad Yaqub Khan is an Ahmadi of the Lahori sect.

.. What salary do you get.

A. Rs. 450/- p.m.

The articles under the heading"

میں نے ایک ہی پرچہ لکھا ہے
"میں نے ایک ہی لکھا ہے"

were written by Maulana Akhtar Ali Khan himself and without my consultation.

Questions of policy of the paper used to be discussed

between Maulana Akhtar Ali Khan and myself. There were, however, no written directions by the Maulana in this behalf.

Q. Did Ch. Ghulam Haider Khan also contribute to the "Zamindar" under some pseudonym?

A. Yes.

Q. Is it possible that some of the articles under the names of "Mufakkir", "Mubassir" and "Muhaqqiq" might have been written by Ch. Ghulam Haider Khan?

A. It is possible, but I cannot say ^{that any} of the articles was in fact written by him under those names.

Q. Were you accused of having published the advertisement of 6th November in the manner in which it appeared in the paper?

A. No, because I was not on night duty.

Q. Was any inquiry about this advertisement made by Maulana Daulat Ghaznavi or Maulana Abul Hasanat?

A. I do not know. They might have questioned Maulana Akhtar Ali Khan about it, but I know that it was subsequently contradicted by the "Zamindar".

This contradiction was published after there

was general comment about the advertisement.

Q. Was any Khatm-i-Nabuwwat week observed in November?

A. No. Such week was intended to be observed, but was subsequently called off.

The proposal to observe the Khatm-i-Nabuwwat week was informally discussed in my presence between Maulana Akhtar Ali Khan and some members of the Majlis-i-Amal. I never attended any formal meeting of the Majlis-i-Amal, but my room is next to the office of the proprietor in which meeting of the Majlis used to be held. I was questioned by the military officer whether I had attended any meeting of the Majlis-i-Amal. I told him that I attended no formal meeting of the Majlis, but that I used to be present at some informal discussions and, as the Editor of the paper, I knew what was going on.

Q. Were you questioned by a military officer as to what transpired at any meeting of the Majlis-i-Amal which you attended?

A. I was asked whether I had attended any meeting of the Majlis-i-Amal. I replied this question in the negative but added that Maulana Akhtar Ali Khan used to tell me what was being done in the meetings of the Majlis-i-Amal.

Q. Did you tell the military officer anything about the Khatm-i-Nabuwwat week?

A. I do not know. If I was questioned about this matter, I might have stated whatever I have stated today.

Q. Were you present when certain resolutions, to which you have referred in your statement, were drafted in the office of the Department of Islamiat and that of the Director of Public Relations?

A. No. I was not present, but Maulvi Ibrahim Ali Chishtee admitted this before me and asked for appreciation for the expression "baligh nazri".

When I saw Mir Nur Ahmad in his office I had been specially sent for by him. He sent for me several times for instructions. During the days that I saw Mir Nur Ahmad the movement was in its full swing and I had then been sent for to be told that we should emphasise in the newspaper the position that no lawlessness, which might embarrass the Provincial Government, was to be resorted to. I have already said that on that occasion Mir Nur Ahmad told me that, so far as the demands went, the Government had no objection to their being pressed. He, however, emphasised that it should be impressed, through articles in the "Zamindar", on the minds of the general public that law and order should be maintained in the Province.

(Volunteered) The Centre had advised the Provincial Government several times to take action against the

"Zamindar" for the manner in which it was carrying on the anti-Ahmadiyyat campaign. It was after this that Mr. Daultana and Mir Nur Ahmad sent for me and told me that the "Zamindar" was Mr. Daultana's own paper and for that reason no action was being taken against it. Both Mr. Daultana and Mir Nur Ahmad asked me to refrain from putting the Provincial Government in an embarrassing position. Such position, I was told, could be avoided if we advocated in the paper that the movement was to be kept within constitutional limits and that people were to refrain from indulging in any kind of violence or disorder. On another occasion Mr. Daultana told me that he had received a letter from Dr. Ishtiaq Hussain Qureshi, asking Mr. Daultana to pull up and properly handle Maulana Akhtar Ali Khan who was creating mischief (gar bar) in the Province. Mr. Daultana asked me to convey this to Maulana Akhtar Ali Khan and to request him to see Mr. Daultana in this connection.

The circulation of the "Zamindar", when it engaged itself in the anti-Ahmadiyyat campaign, increased by five or six thousand a day.

4. Why did you not mention to the Military Officer what Mr. Daultana asked you to do on receipt

of Dr. Ishtiaq Husain Qureshi's letter?

A. I was not questioned about it.

Q. Before you came to give evidence in this Court today, how long were you with Mr. Asadullah Khan, Advocate, in the verandah just outside the Court?

A. I just exchanged greetings with him.

Q. Did you ever discuss your evidence with Mr. Asadullah Khan?

A. No. I saw him today after some twenty years.

Q. Did you discuss your evidence with somebody else?

A. No.

Q. Did you, in connection with your evidence, ever meet Ch. Fazal Ilahi, counsel for the Punjab Government?

A. I have seen him only today and that also in Court. I still do not know whether the gentleman who examined me on behalf of the Punjab Government is named Ch. Fazal Ilahi.

Q. Did you discuss your evidence with any police officer?

A. No.

Q. Did you ever come across the advertisement issued by the Court of Inquiry asking people to give evidence regarding the terms of reference?

A. Yes, I saw that advertisement.

Q. Why did you not then offer to give evidence before this Court?

A. I thought I had already made my statement before the Military authorities, and that if the Court considered it necessary it would send for me.

When I made my statement before the Military, I was specially summoned for the purpose.

To Mr. Nazhar Ali Azhar, Advocate, for Majlis-i-Ahrar:

Q. Did not the speech that Ch. Muhammad Zafer Ullah Khan made at Karachi have any effect on the policy of the "Zamindar"?

A. That speech was used by the paper to strengthen its campaign after directions had been received from Maulana Zafer Ali Khan from Murree in July,

Q. What was the reaction of that statement on you?

A. I have not read it fully.

Q. Did arrests for speeches in mosques have any effect on the movement?

A. Yes, Maulana Zafer Ali Khan issued a statement only after those arrests.

Q. You have said that you wrote some articles against Ahmadiyyat in the "Zamindar". Can you point out any such article?

- A. All articles on the subject which do not purport to be signed by Maulana Akhtar Ali Khan are my production. During my employment I wrote about 700 articles. If I have the file of the "Zamindar" with me, I would be able to point out which articles against Ahmadiyyat were written by me.
- Q. Were you ever absent from duty during these two years of your employment?

A. Yes, when I was ill.

- Q. Can you name any article which you wrote against Ahmadiyyat in your paper?

A. No, not unless I see the file. I am, however, quite definite that dozens of articles were written by me on the subject.

- Q. Did any advertisement relating to the celebration of Khata-i-Nabuwat Week in November come to your notice in any other newspaper?

A. I can speak only about the "Zamindar" and not about the other papers.

To Maulana Murtaza Ahmad Khan Maikash, on behalf of the

Majlis-i-Amal:-

- Q. How long before the Central Majlis-i-Amal gave ultimatum to the Premier, did Maulana Daud Ghaznavi and Maulana Murtaza Ahmad Khan Maikash stop coming

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to the meetings of the Punjab Majlis-i-Amal?

A. I have already said that they came to the meetings of the Majlis-i-Amal on very few occasions after Id-i-Qurban.

Q. Did not Maulana Daud Ghaznavi and Maulana Murtoza Ahmed Khan Maikash attend the meeting of the Majlis-i-Amal held on 26th January 1953 as reported in the "Zamindar" of 28th January?

A. They may have attended this meeting. What I stated was that they attended very few meetings of the Majlis-i-Amal after Id-i-Qurban.

Q. Did you ever write any articles in the "Zamindar" in the name of Maulana Akhtar Ali Khan?

A. I never did so without his instructions. It is, however, true that on some occasions Maulana Akhtar Ali Khan gave me the outlines of an article and it was published in his name.

Q. Was the article Ex. D.E. published in the "Zamindar" of 7th July 1952 written by you?

A. The article purports to be by Maulana Akhtar Ali Khan but it is quite possible that I might have written it under the instructions of Maulana Akhtar Ali Khan.

Q. What is your own belief? Will a new or old prophet come or not?

A. I have never thought over it.

Q. Do you know whether the Lahori sect of the Ahmadis believe that no new or previous prophet would appear after our Holy Prophet?

A. I have not studied the tenets of either sect of Ahmadis.

To Mr. Yaqub Ali Khan (By permission of the Court):-

Q. Did the articles contributed by you in the "Zaminder" represent your own belief or were they written under instructions of the proprietor?

A. I am a journalist and have to do what the proprietor asks me to do.

Q. Are you publishing any comments in the "Millat" on Maulana Maudoodi's written statement submitted to this Court?

A. No.

The "Millat" is not publishing anything anti-Ahmadiyya or pro-Ahmadiyya. Like several other papers, the "Millat" has published the written statement filed by the Sadr Anjuman Ahmadiyya, Rabwah, in replication of Maulana Maudoodi's written statement submitted to this Court. Maulana Maudoodi's own statement was also published in the "Millat".

To Mr. Fazal Ilahi (By permission of the Court):-

I do not know if several conferences in connection with the Khatm-i-Nabuwwat movement were held in the week commencing 8th November and ending with 15th November. I, however, see the report, Ex.D.E./159, published in the "Zamindar" of 8th November 1952, that several conferences or meetings were to be held during this period at several places.

To Mr. Asadullah Khan (By permission of Court):

Q. Look at the writing under "عزتِ انبیا کے جواب" published in the "Alfaaz" of 19th August 1934, Ex.D.E./160, and say whether the two couplets, alleged to have been composed by your father, are the subject-matter of comment in this article?

A. Yes. The first question expressly refers to one of the couplets composed by my father. To the question whether the couplet "میرزا غلام احمدؑ سے بڑھ کر نبیؐ نہیں آیا" is not inconsistent with the belief of the present head of the Ahmadiyya community, the reply given by him is that, if the couplet means that Mirza Ghulam Ahmad Sahib was higher in rank than our Holy Prophet, then the couplet amounts to Kufr, but that, if the meaning of this couplet be that during the time of Mirza Ghulam Ahmad Sahib there was more propagation of Islam, then the couplet is completely

in accord with the Qur'an; though the words used are improper and disrespectful.

Q. Is Major-General Nazir Ahmad, who recorded your statement, the same who was involved in the Rawalpindi Conspiracy case and who is stated to be an Ahmadi?

A. No.

R.O & A.C.

Sd/- M. Munir
President.

11th November 1953.

O R D E R.

Adjourned till Friday, the 13th November 1953

Sd/- M. Munir

PRESIDENT

11th November 1953.

14th November 1953

51st Sitting.

Present:

Hon'ble Mr. Justice Muhammed Munir,
 Chief Justice, President,

Hon'ble Mr. Justice M. R. Kayani, Member.

Mr. Fazal Ilahi, Advocate, assisted by
 Mr. Ijaz Ali for the Punjab Government.

Mr. Yaqub Ali Khan, Advocate, assisted by
 Messrs. Abdul Aziz and Saïd Akbar,
 Advocates, for Mian Muntaz Muhammad
 Khan Daultana.

Mr. Mazhar Ali Azhar, Advocate, for the
 Majlis-i-Ahrar..

Mr. Ghulam Murtaza Khan, Advocate, for
 Sadr Anjuman Ahmadiyya, Rabwah.

Mr. Nazir Ahmad Khan, Advocate, for the
 Jama'at-i-Islami.

Maulana Murtaza Ahmad Khan Maikash, Member,
 Majlis-i-Amal, in person.

Witness No. 111 (Called by Court):

Mr. Ghulam Sarwar Khan, Officer on Special Duty,
 Cooperative Department, on solemn affirmation:-

(The examination of this witness has been
 conducted in camera.)

I have already submitted a detailed written statement to this Court relating to the origin and development of disturbances in Sialkot.

To Mr. Mazhar Ali Azhar, on behalf of the Majlis-i-Ahrar:-

Q. When you held a meeting of Magistrates and other officers on 2nd March, did you decide not to ban processions and meetings under section 144 of the Code of Criminal Procedure?

A. Yes.

Q. Was it due to the fact that at that time there was no immediate apprehension of a breach of peace and you did not consider it advisable to take action under section 144, Cr.P.C.?

A. No. The reason was that though by the happening of 1st March at the railway station I apprehended a breach of the peace, there were no sufficient police and military in Sialkot to enforce the order under section 144. The military were on manoeuvres and the police force was wholly inadequate. I had already made a requisition for more police from the headquarters.

Q. Is it a fact that you requisitioned the military on the 2nd and military was available?

A. Yes, but they gave me only a hundred men.

Q. Did you at that meeting decide that you would go

to Dar-ul-Shahabia to make arrests?

A. No, I received orders from the Government that only the ring leaders were to be arrested on the night of 2nd and 3rd March. No decision was taken in the meeting of 2nd that any arrests would be made in Dar-ul-Shahabia.

Q. But you have stated in your written statement that it was decided that "the persons who have to offer their arrests according to the programme on 3rd March 1953 should be arrested on the spot and taken to some far off place and released there and the effects of this to be watched"?

A. This meant that wherever people came out and offered themselves for arrest, was would arrest them and dump them at some distant place.

Q. Was it known to you on the 2nd that people were collected at the Dar-ul-Shahabia before they marched out?

A. This happened on the 1st. It was after the meeting that I came to know that people had made Dar-ul-Shahabia as their centre. We then decided that they should be arrested before they enter Dar-ul-Shahabia.

Q. Did you take any step to prevent people from going to Der-ul-Shahabia on the 3rd?

A. We had the police and the military and arrested men who offered themselves for arrest and asked the others to disperse. Men started coming and offering themselves for arrest at about 9 o'clock on the 3rd.

Q. Did you say in your written statement that you asked some people to disperse and on their failing to do so you declared them an unlawful assembly?

A. Yes. This was later at about 10 o'clock.

Q. Were you near the Der-ul-Shahabai when motor vehicles were burnt?

A. We were on the roof of a house from where the vehicles were not visible. We saw smoke rising from where the vehicles were. We also learnt that the smoke was coming because some vehicles had been set on fire.

Earlier Mr. Khalil-ur-Rahman, A.S.P. was deprived of this revolver by someone. This was when we attempted to disperse people who had collected on the roof of Der-ul-Shahabia. The vehicles were burnt after a man had been shot down.

Q. Was any report about this incident made by anyone?

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A. Sshibzala Abdur Rauf, the other A.S.P. got a case registered at the police station.

Q. Did a copy of the report come to you?

A. Yes.

Q. Was there anything in that report about the assembly having been declared unlawful?

A. I do not remember.

Q. Any mention about the seizure of the revolver from Khalil-ur-Rahman?

A. I do not remember.

Q. Did Khalil-ur-Rahman report the loss of his revolver to anyone on the 3rd?

A. Yes. He gave information of it to the I.G. and the D.I.G.

Q. Was any first information report lodged about the loss of the revolver?

A. I think it was but I am not sure.

Q. In the report made by Abdur Rauf, twenty-four persons are stated to have been arrested at the spot. Was anyone of these persons prosecuted?

A. I do not recollect but a large number of persons were prosecuted and convicted.

Q. One of the persons mentioned in this report as having been arrested is Abdul Qayum son of Abdul

Hase, Qureshi. Was not the house of this Man's father looted on the ground that he was cooperating with the authorities?

A. His father was cooperating with the authorities through his son was in jail at that time.

Q. Was it, therefore, wrong that the firing took place after the vehicles were burnt?

A. Absolutely wrong.

Q. Did you make any report to the Chief Secretary about the incident of the 3rd?

A. Yes.

Q. Did you not state in that report that you came to know of the burning of vehicles much later when you had returned to the District Courts?

A. At the District Courts I came to know of further details of the burning.

Q. Did it come to your notice that Allama Muhammad Yaqub led the funeral prayer of the man who was shot down.

A. I got a diary from the C.I.D., but I do not know whether it was stated therein that the funeral prayer was led by Allama Muhammad Yaqub.

Q. Did it come to your notice that Allama Muhammad Yaqub had made a funeral oration?

A. It might be in the diary. I cannot remember it now.

Q. Did it come to your notice that Allama Muhammad Yaqub spoke strongly against you at the funeral?

A. I knew that all Maulvis were abusing me.

Q. Did the police fire on the 4th near the Mosque of Maulvi Nur Hassan?

A. Yes, the police fired about eleven rounds, as far as I remember, from the top of the police station.

Q. Was any report about this recorded?

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A. Yes, there was a report both by the police and the military.

Q. Was the report by the police made the same day?

A. Yes.

To Court:

Q. Where was the Commissioner when this firing took place?

A. He was present on the spot.

To Counsel Contd.-

Q. It is stated in your written statement that a 24-hour curfew from 1 o'clock on 3rd to 1 o'clock was imposed on the 4th. Is that a fact?

A. Yes. There was an order but it could not be enforced because we did not have sufficient police and military on that day.

Q. Were any men beaten when they came out to offer themselves for arrest?

A. They were lathi-charged on the 15th near the District Courts. This was a severe lathi-charge.

Q. Was there any lathi-charge in Daske and other towns?

A. No.

To Maulana Maikash on behalf of Majlis-i-Amal:

Q. Was the revolver of Mr. Khalilur Rahman snatched

or did it just drop?

- A. Mr. Khalilur Rahman did not, in fact, know how he lost his revolver. There was a scuffle and when he came out of it, he reported that his revolver was not on his person.

To Mr. Yaqub Ali Khan, Advocate, on behalf of Mr.

Daultana:

- Q. When did you assume charge of the office of Deputy Commissioner, Sialkot?
- A. On 6th June 1952.
- Q. Where were you before that?
- A. I was A.D.M. at Lyallpur.
- Q. Could you tell us who were the prominent leaders of the movement in your district from June 1952 to March 1953?
- A. Sahibzada Faizul Hasan, Maulana Muhammad Yusuf, Maulvi Muhammad Ali Kandhalvi, Allama Muhammad Yaqub, Professor Khalid Mahmud, Sultan Mahmud and some others whose names I do not now remember.
- Q. Did anyone of these men make speeches against the Ahmadis or the Foreign Minister?
- A. Yes.
- Q. Were you aware of the four policy letters issued by

the Punjab Government to control or check the movement?

A. Yes, there were several letters to this effect.

Q. Did you attend the District Magistrates conference at Lahore on 5th July 1952?

A. No. I was on leave but my A.D.C. did attend that meeting.

Q. You have said in your written statement:

"The propaganda against the Ahmadis, however, continued but no interference was made by the District authorities in view of the above-mentioned decisions (decisions taken at Lahore on 5th July 1952) of the Government."

Can you support this assertion from the contents of the letter by which the decisions of 5th July were communicated to you?

A. The letter states:-

"If any member of the Ahrar party or Ahmadi community delivered violent or inflammatory speeches at any public meeting not organized by their respective organisations, a reference should be made to Government for action under section 153 P.P.C. or the Public Safety Act. Pending the receipt of the Government orders, the culprit should not be arrested unless it was considered absolutely necessary."

The letter further states:-

"No action should be taken to disperse meetings organized by the Ahrar or Ahmadis even outside the mosques unless it becomes an imperative necessity to do so for the maintenance of law and order. Meetings being held in mosque are in no case to be interfered with in any way, and action should be taken against all meetings, whether held inside the places of worship or in other public places, by the registration of regular cases against the prominent leaders of the two groups only."

Q. Did you register any cases?

A. Yes. We did register several cases. These cases were reported to the Government for orders whether they should be proceeded with or not.

I definitely remember that for speeches made at Gullu Shah Fair some cases were registered and reported to the Provincial Government but the Government did not agree to prosecute the cases.

Q. Was Gullu Shah Fair the only occasion when such speeches were made?

A. The speeches were made on numerous occasions, but they were mostly inside the mosques and during khutbas.

To Court:

Q. When did Gullu Shah Fair take place?

A. Probably in October 1952.

To Counsel, contd.-

Q. I put it to you that except the cases which arose out of the speeches made at the Fair of Gullu Shah, you did not report a single case for orders to Government?

A. As far as I remember, a case was registered on the day of Mutalibat, i.e. in Jly 1952.

Q. Did you report to Government any other case apart from those which you have just mentioned?

A. It was for the Superintendent of Police to register a case and to request me to obtain Government sanction. I am not quite sure, but there might be a few cases which were reported by the Superintendent of Police and which might have been sent up to Government.

Q. But the letter dated the 5th July 1952 makes it your responsibility to report cases?

A. I could report only if the police informed me.

Q. Were you in Sialkot when you prepared your written statement

A. Yes.

Q. Did you receive weekly reports from the police concerning the speeches made during the relevant week?

A. Yes. The diaries were sent to the P.D.S.P., who advised whether any prosecution was called for.

Q. Did you recommend any action against the leaders, who were fanning the movement and whose names you have mentioned?

A. I am not quite sure, but I have a recollection that Government was moved in the matter in respect of some of these leaders. This was on the report of the police.

Q. What did Government do?

A. I do not know.

Q. When did you recommend such action?

A. Some time before February 1953.

Q. Did you know that the three persons, whose cases you recommended for action to Government because of their having at Gullu Shah Fair, was not prominent leaders of the movement delivered speeches, but were members of the Ahrar?

A. I do not remember, but the speeches which they made were stated to be intemperate.

Q. Did you have a copy of the speech made by the Chief Minister at Peshawar on 20th July 1952?

A. No report of the speech was prepared, but I was present and heard what I have mentioned in my written statement. The speech must also have been reported in some newspaper.

Q. Did you read the report of that speech in the newspaper?

A. As far as I remember I did.

Q. Was that speech, as reported in the newspaper, substantially the same as you heard?

A. There may be a minor difference but the purport of the speech was rightly reported in the paper.

Q. You had been making reports to Government about the course the movement was taking?

A. Yes.

Q. Did you in any of your reports say that the speech made by the Chief Minister on the 20th July had strengthened the movement?

A. I do not think I did.

Q. When the statement of the Chief Minister of 6th March was sent to you for being broadcast you were required to report the reaction thereof to Government. Did you make any report?

A. Yes.

Q. Did you in any of your daily reports from 6th to 22nd March 1953 mention that effect which this statement had on the public?

A. Not in these reports. By the letter of 6th March 1953, I was required specifically to report the reaction of the

speech on the masses and I did submit a special report in this respect.

Q. When did you submit that report?

A. Immediately after the publication of the statement, i.e., within two or three days.

Q. Whom did you send this report to?

A. I sent this report either to the Chief Secretary or to the Home Secretary. Not only the despatch of this report must have been entered in the despatch register, but a copy of it must also exist in the Deputy Commissioner's office.

Q. What was the trend of your report?

A. I think I reported that people thought that the Ahrar had won the battle.

Q. Have not you said in your daily reports from 6th to 22nd March 1953 that the situation was improving and was coming to normal?

A. This must be after the date of the appeal of the Central Government which was received in the Punjab, probably on 10th March. A reference to these instructions by the Central Government was made in a letter issued by the Punjab Government to all District Magistrates. I am quite sure that after the Chief Minister's appeal, another order was

received directing that all sources at the command of the District Magistrates were to be used to suppress the agitation.

Q. Are you not referring to Mr. Daultana's subsequent statement of 9th March?

A. Yes. This is the statement I have in mind. (Again states) I am not quite sure whether the instructions issued by the Punjab Government referred to any communication received from the Centre. It was my impression that the subsequent statement of the Chief Minister was made at the instance of the Central Government.

Q. What is the warrant for your asserting that the subsequent statement of Mr. Daultana was made at the instance of the Centre?

A. The Punjab Government in those days was in touch with the Centre and there was something to this effect in the newspapers also.

Q. What did you say about the Defence Secretary?

A. I think the Defence Secretary also came to Lahore in those days.

Q. Can you name any newspaper which said this?

A. No.

To Court:

Q. What did you mean when you reported in your daily reports from 6th to 22nd March 1953 that the "situation was normal and under control"?

A. There was neither any firing nor any lathi-charge.

Cross-examination by counsel (continued):-

Q. You reported in your fortnightly report for the first half of February 1953 that the general public was not as much interested as it was in the beginning. Was this report true?

A. Yes.

Q. Is it a fact that between October 1952 and the first half of February 1953 the movement had subsided in your district to such an extent that in none of your fortnightly reports for this period you made any reference to this movement under the head "Political"?

A. I made a reference to the movement in almost every report of mine. Copies of such reports attached to my written statement are mere extracts from some of those reports, and relative to particular incidents.

- Q. Did you in any of your reports mention the incidents that are alleged to have happened when the volunteers left by train for Lahore via Narowal?
- A. I made a special report about this and mentioned therein what I have said in my written statement..
- Q. Then now is it that in your report for the second half of February 1953 you said that every thing passed off peacefully on 1st March without any untoward incident?
- A. Because I had already submitted a special report of the incident, it was not necessary for me to repeat these details in this report. When I said that the whole thing passed off peacefully and without any untoward incident, what I meant was that no force had to be used.

To Court:

- Q. Is it a fact that you received the procession at the railway station, shook hands with the volunteers and their leader and were garlanded?
- A. When the procession reached the railway station, I was at the police station. I reached the railway station after the volunteers had entered it. I neither received the volunteers nor shook hands

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with them or their leader nor was I garlanded.

To Counsel continued:-

- Q. Would not you call the breaking of windows and damage to railway property as "untoward incidents"?
- A. I certainly would but these incidents, if untoward, had already been mentioned by me in my special report.
- Q. Did you file a copy of that special report with your written statement?

- A. No, but I mentioned the incident of the 1st March in my written statement.

The orders to submit daily situation reports were received after the 1st March.

- Q. Is it not correct that the orders to submit daily situation reports were received by you sometime before the 1st of March and you did submit a situation report for 1st of March?

- A. After having seen the wireless messages dated the 28th February and 1st March I recollect that a brief account of the situation used to be communicated to the Government twice by wireless.

- Q. Was it that in your wireless message for 1st March there is no reference to the incidents that are alleged to have happened at the railway station and subsequently?

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A. I have told you that I must have submit a separate report.

Q. Do you know that Government was criticised for its action when it applied section 144 to mosques in June 1952?

A. Yes. There was some comment on the action of Government.

Q. What was your own reaction to the application of section 144 to the speeches made inside the mosques?

A. I think the order was justified to keep mosques aloof from political propaganda.

Q. These orders were subsequently modified in July 1952. Did you in your fortnightly report for the second half of July 1952 appreciate the subsequent action of Government and say that "the Government has taken a right step in withdrawing section 144 for the present against the Ahrar and Ahmadiyya movement"?

A. Yes, but there is no reference here to the mosques.

Q. Were you not, in this report, referring to the decision communicated to you in Government's letter dated 5th July 1952?

A. Yes. But if all higher officers of Government

thought that the step taken was right, who was I to say that the step was wrong.

Q. Did you believe that the step taken by Government was right?

A. There is no question of my passing judgment on it.

The Government had taken a decision, and I had pointed out to it the past history of the Ahrar. In my opinion the step taken was not right in view of the past history of the party (Ahrar) with which Government was dealing.

Q. In your report for the second half of March 1953, you stated:-

"The movement started about ten months back and during all this period no definite orders were issued by the Government as to what policy was to be adopted and this put the District Magistrates in a very awkward position. Even 'Direct Action' was declared on the 22nd of February and it was postponed to 1st of March but no orders were received up to that time. Great latitude was allowed to this agitation."

Did you express this opinion for the first time after the deposition of the Ministry, just to please the new Ministry?

A. No. It was not for the first time that I expressed this opinion. In my earlier reports I had been pointing out to Government that it was following a weak policy.

Q. Can you point to any report in which you expressed

this opinion?

- A. If you look into the reports you will find some such thing in one or more of them.
- Q. Were copies of earlier reports with you when you drafted your written statement?
- A. Possibly the office did not put up such reports to me.
- Q. Had you in mind any such reports when you were drafting your written statement?
- A. Yes.
- Q. Why did you not refer to such reports when drafting the written statement?
- A. Only fresh reports were taken into consideration when drafting the written statement.
- Q. The annexures attached to your written statement show that they began with June 1952. Is not that an old enough date?
- A. I have already said that it may be that material reports in this respect were not put up before me by the office.
- Q. Is it a fact that a large number of complaints were made against you by the people of Sialkot?
- A. These complaints were engineered by Pirzada Ghulam Sarwar, an Advocate, Maulvi Muhammad Ali Kandhalvi

and some goondas of Sialkot. On the day my transfer was announced, there were celebrations in Sialkot by goondas and corrupt officials, for instance Kashmir Welfare Staff. This staff which was entrusted with the distribution of free rations was giving twenty-eight seers for one maund of grain. I made several raids and dismissed forty or fifty of them.

Q. When the present Chief Minister, Malik Feroz Khan Noon, visited Sialkot, did a large number of people make complaints to him against you?

A. No one made any complaint against me.

Q. Is Ex. D.E. 161 an accurate report of the speech of Mr. Daultana made at Pasrur?

A. Yes.

To Court:-

Q. You have stated in your written statement that Mr. Daultana^{he} said: "He fully endorsed the Khatm-i-Nabuwwat movement^y provided law and order was not threatened". Did he say so?

A. Yes. ✓ .th

Q. He might have said that he fully believed in the doctrine of Khatm-i-Nabuwwat without saying anything about the^{cor} movement. Are you sure that he endorsed the movement?

A. When I said in my written statement that the Chief Minister fully endorsed the Khatm-i-Nabuwwat movement,

what I meant was that the "doctrine of Khatm-i-Nabuwwat was an article of faith" with him.

Q. The question of making an order under section 144 of the Code of Criminal Procedure was considered on or about the 2nd March. Did you in this matter seek the advice of any higher authority from Lahore?

A. No.

Q. If there be no order under section 144 in force banning the assembly of five or more persons and people just assemble and offer themselves for arrest, what authority do you have for arresting them?

A. Arrest can be made if breach of peace is apprehended by such assemblies.

Q. What is the legal authority for you to arrest such people and dump them at a great distance?

A. This mode of dealing with the situation was suggested by the Commissioner, Lahore Division, and the D.I.G. Police. To my knowledge, there is no legal authority for any such action, but so many executive measures have to be taken to deal with a particular situation.

Q. When you went to Dar-ul-Shahabia on 3rd March, did you inter only to arrest persons who had committed any offence or did you intend to take in custody all those persons who

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offered themselves for arrest?

A. I was to arrest all those who wished to be arrested.

Q. Would you arrest a person simply because he wishes to be arrested without committing an offence?

A. No, but if I apprehend a breach of peace I will arrest him under section 151, Criminal Procedure Code.

Q. How many times was there firing on 4th March?

A. The first firing occurred at 10 o'clock within 30 or 40 yards of Nur Hasan's Mosque; the second at a distance of about 6 or 7 yards from the first place.

Q. Who ordered the first firing?

A. The Military.

Q. And the second?

A. Also the military.

Q. Did on that day the police fire at all?

A. Yes. The Additional Police joined with the military in the first firing. The police fired from the roof of the police station.

Q. Was the Commissioner present on the scene when the firing took place?

A. Yes. He was on the scene.

Q. You have stated that the statement of the Chief Minister dated the 6th March gave further impetus to the disturbances. What are your reasons for this?

A. The arrests increased on 7th and 8th, because more processions were organised after that statement and people thought Government had yielded.

Q. Did you go to the Fort during the disturbances?

A. I used to go there daily.

Q. Why?

A. The Fort was the headquarters of the police, the military and the district officers.

Q. Did you beat Malik Muhammad Zamir in the Fort on or about the 17th March?

A. No beating took place in my presence and I do not know Malik Muhammad Zamir.

Q. One Muhammad Hussain also states that on or about the same day, namely, 17th March, you beat him in jail, when a Maulvi was in the next cell?

A. It is absolutely wrong.

Q. The same allegation is made against you by one Nazir Ahmed who alleges that you had him beaten on 24th March in jail?

A. I did not go to jail on 24th March.

Q. Musammat Musarrat Sabira also states that you had her beaten in jail?

A. I have not seen this woman, though I am aware of her history sheet.

Q. Did you go at all to the jail during the disturbances?

A. I went there only once.

Q. When?

A. I do not remember the date.

Q. The visitors' register of the jail shows that you visited the jail on 22nd and 27th March 1953?

A. It may be, but I am not quite definite.

Q. Aslam Hayat, Assistant Superintendent of District Jail, Sialkot, has stated before the Court that he saw you beating three or four men in jail who were imprisoned in connection with the disturbances?

A. This allegation was the subject-matter of an inquiry by the Inspector-General of Prisons and it was found by him that the allegation was false. You might send for the report of the Inspector-General about this incident. Ghulam Rasul, the Superintendent of the District Jail, was in sympathy with the rioters who were imprisoned. He treated them with pulao, meat and milk. I complained of this to the Inspector-General of Prisons and the Superintendent was transferred on the following day.

Q. Can you suggest why the Assistant Superintendent of Jail was lying?

A. He must have been instigated by the Superintendent.

Q. On what date was the Superintendent transferred?

A. On 5th or 6th March.

Q. Why did you arrest Maulvi Sultan Mahmud?

A. He was the dictator of the movement. It was reported by the police that he was running the movement.

Q. Why did you arrest Professor Abdul Latif? What had he done?

A. Because he collected subscriptions for the movement and, at a meeting of the Municipal Committee, he stated that the resolution sent by the dictator of the movement for being passed by the Committee was not sufficient and that it should be worded in stronger language. He was also instigating people to take part in the movement. Besides he was a member of the Jinnah Awami League.

Q. Did you, when he came to see you after his arrest had been ordered, say to him that if he had come to you before the 19th March, he would not have been arrested?

A. No. It is not true.

Q. Look at the file of Abdul Latif and say whether any one of these things, which have been mentioned to you, was reported to you?

A. The file does not contain any reference to these allegations.

Q. You have stated in your written statement that H.S.'s endorsement No. 181-ST(H.S)-52, dated 5th July 1952, communicating decisions of the conference held on that day under the

presidentship of the Chief Secretary, encouraged the Maulvis to carry on propaganda from pulpits. In what way did this endorsement encourage the Maulvis to carry on the propaganda?

A. Because the mosques became asylums for the Maulvis.

Q. What was going on in the mosques?

A. The political demands like the removal of Chaudhari Muhammad Zafarullah Khan from the Cabinet, removal of Ahmadis from key posts, declaration of the Ahmadis as a minority and propaganda in favour of "direct action" was going on in the mosques. Also subscriptions were collected and volunteers enrolled in the mosques. In fact, the mosques had become the headquarters of the movement. All important mosques had been fitted with loud speakers.

I myself saw an effigy of Khawaja Nazimud Din, which had been prepared by stuffing a gunny-bag which was hoisted on a pole, being carried by the mob.

Q. Did Professor Khalid Mahmud offer any apology to your knowledge?

A. This Professor appeared before me and tendered his apology. This I did not accept because it was equivocal. Thereafter a clear apology was presented by him in writing, which was accepted and the case, which had been instituted against him, was withdrawn.

Q. Did you at any stage of the disturbances receive any

instructions from the Ministry about the amount of force to be used?

A. Every instruction received is to be found in the annexures to my written statement.

Q. Was any damage caused to any Ahmadi life or property in Sialkot?

A. There were two stabbing cases and in one instance an attempt was made to set fire to the house of an Ahmadi.

Q. You have stated that certain recommendations for prosecution were rejected by the Government. Do you know on what grounds were those recommendations rejected and by whom?

A. There is a record of this and the reasons for not accepting my recommendations should be contained there.

To Mr. Yaqub Ali Khan (By permission of the Court):-

Q. Was the order, dated 1st March 1953, Ex.D.E/162 (Enclosure 'K' to the written statement of the Superintendent of Police, Sialkot) brought to your notice?

A. Yes, but in the afternoon of 1st March.

Q. Did you receive the wireless message, Ex.D.E./163, (Annexure 'P' to the witness's statement)?

A. Yes. This also must have been received by me in the afternoon. If the two messages contained in these two documents had been received earlier, we would have arrested volunteers at the railway station.

Q. Could you have arrested fifty or sixty thousand people?

A. No, because we were arresting only those people who offered themselves for arrest.

Q. Did any persons offer themselves for arrest on 3rd and 4th March?

A. Yes. The mob was violent on 3rd and 4th and had started throwing brickbats at the officers and as many as 19 or 20 officers were injured.

After the second firing on 4th March, an understanding was arrived at between the officers and the Maulvis who were running the agitation that only twenty-five persons would be offered for arrest on that day. In fact, however, they offered more than thirty-five persons.

Q. Is it a fact that, after the 6th, a large number of countrymen came into the town?

A. The Maulvis sent their men stealthily to the villages and they brought reinforcements.

Q. Did you, in any of your reports after the 6th, mention that the number of arrests had increased by reason of the statement of the Chief Minister of 6th March?

A. What I stated will be found in the reports that I have submitted.

Q. Look at the annexures to your written statement and point to any report in which this fact was mentioned?

A. The annexures are merely brief extracts.

To Maulana Murtaza Ahmad Khan Maikash (By permission):

Q. Who ordered the firing on 4th March?

A. The military officer in charge, because the situation had been handed over to him.

Q. Did you come across a statement by the Administrator, Martial Law, that the firing in Sialkot was ordered by the civil authorities?

A. No.

Q. Were the two stabbing cases reported to the police?

A. They must have been.

Q. Were the two persons stabbed Ahmadis?

A. Yes.

Q. Were the cases put in Court?

A. Yes.

Q. What was the result?

A. I do not know

R.O. & A.C.

Sd/- M. Munir
President,

14th November 1953.

Sd/- M.R. Kayani.

Member.

Adjourned till 17th November, 1953.

Sd/- H. Munir.

President,

14th November 1953.

Sd/- M.R. Kayani.

Member.

18th November, 1953.

53rd Sitting.

Present:

Hon'ble Mr. Justice Muhammad Munir,
Chief Justice, President,

Hon'ble Mr. Justice M.R. Kayani, Member,

Mr. Fazal Ilahi, Advocate, assisted by
Mr. Ijaz Ali, on behalf of the
Punjab Government.

Mr. Nazir Ahmad Khan, Advocate, for the
Jama'at-i-Islami.

Mr. Yaqub Ali Khan, Advocate, assisted by
Mr. Said Akbar, Advocate, for
Mian Muntaz Muhammad Khan Daultana,

Mr. Mushtar Ali Azhar, Advocate, for the
Majlis-i-Ahrar.

Mr. Asadullah Khan, Advocate, assisted by
Messrs. Abdur Rahman Khadim and
Ghulam Murtaza, Advocates, for Sadr
Anjuman Ahmadiyya, Rabwah.

Mr. Fateh Muhammad Aziz, Advocate, for
Ahmadiyya Anjuman-i-Ishe'at-i-Islam.

Maulana Murtaza Ahmad Khan Maikash, Member,
Majlis-i-Amsl, in person.

PROCEEDINGS RECORDED IN CAMERA.

Witness No. 112 (Called by Court)

Mr. Hamid Nizami, Editor, Nawai-Waqt,

states on solemn affirmation:-

To Mr. Fazal Ilahi, Advocate, for the Punjab Government:

I have been editor of the "Nawai Waqt" for the last thirteen or fourteen years. The paper has a circulation of thirteen or fourteen thousand.

Q. Were you present at a press conference held by Dr. Ishtiaq Hussain Qureshi?

A. There was no press conference. Dr. Qureshi had invited the editors of some local papers to a private tea.

Some officials, including Mir Nur Ahmad, and the editors of all important dailies of Lahore were present at that party. This was some time in July or August 1952. Some agitation on the Qadiani issue was going on in newspapers in those days. This subject happened to be discussed at the party. Dr. Ishtiaq Hussain remarked that the campaign, which was being carried on in the press against Chaudhri Muhammad Zafarullah Khan, was detrimental to the interests of the country and that it was likely to lead to serious consequences. Guests present at the party expressed their own opinions in the matter. When I kept quiet, Dr. Qureshi asked me why I was not expressing any opinion. I replied that it was futile for me to give my opinion because the campaign was being carried on in the papers which were being subsidised by the Government. The Doctor asked me to

explain what I meant. I then said that the entire agitation had been inspired by Government and that if the Government so liked, it could be stopped immediately because the papers which were indulging in this campaign, could not afford to disobey the directions of Government. Dr. Qureshi said that he also had heard some similar rumours but that he had not been supplied with any concrete facts. I then pointed to Mir Nur Ahmed and said that he was the arch-criminal in the matter because it was he who was having all articles on the movement written. Dr. Qureshi asked me if I could prove the allegation. I said that if Mir Nur Ahmed was denying the allegation I would be willing to prove it. Mir Nur Ahmed kept quiet. Dr. Qureshi asked me if I would repeat my allegation to the Prime Minister Khwaja Nazimuddin. I said, yes.

Q. How do you know that Mir Nur Ahmed was responsible for the campaign that was going on in the press?

A. In the party that I have mentioned, there happened to be present editors of some newspapers. They themselves had told me that they used to be sent for by Mir Nur Ahmed to his office and supplied with the material for publication in support of the movement. If Mir Nur Ahmed had denied the allegation, I would have confronted him with the

editors who had given me the information.

I prepared a separate file of all important articles that were written on the Tahaffuz-i-Khatm-i-Nabuwat movement. It is my practice to maintain separate files of articles on all important matters.

What I had stated before Dr. Qureshi was communicated by him to the Prime Minister, Khawaja Nazimuddin. I was informed of this by Khwaja Nazimuddin himself when I went down to Karachi about a month later. Khwaja Sahib asked me if I could give a list of the articles which were inspired by Mir Nur Ahmad. I said that I would give such a list when I again came to Karachi, or if a man was sent to Lahore to me for the purpose. My interview with Khawaja Nazimuddin was near the end of July or the beginning of August. When I again went to Karachi about a month afterwards, I took with me the file of articles which according to my information had been inspired by Mir Nur Ahmad. I handed over that file to Mr. Mushtaq Ahmad Gurmani and requested him to show it to Khwaja Nazimuddin. That file has not yet been returned to me.

On a later occasion, Mr. Mazhar Ali Khan, editor Pakistan Times, and I were sent for by the Home Secretary, Mr. Ghiasuddin Ahmad. He appealed to us for cooperation because, in his opinion, the Ahrar were responsible for the propaganda

in the press. I told him that he was deceiving himself

because Government itself was responsible for the propaganda that was being carried on in the press.

He assured me that, so far as the officers were concerned, they were genuinely desirous of suppressing the propaganda. I then asked him to explain how it

was that the propaganda in the press was confined to the papers which were the sole recipients of Government patronage. I told the Home Secretary that if

higher officers were genuinely desirous of stopping the movement, as citizens of Pakistan^{and} as responsible officials, it was their duty to advise Mr.

Daultana, the Chief Minister, to stop this dangerous game. The Home Secretary then asked me if I had any objection to take this matter over with Khan Qurban Ali Khan, the Inspector-General of Police. I said I had no objection. While this talk was going on

Mr. Anwar Ali, D.I.G., C.I.D., also came in. A day or two later I went to Khan Qurban Ali Khan. I

repeated to him what I had said to the Home Secretary and warned him that if things continued as they were, the Province would be ruined. I asked him to use all his influence and power to persuade Mr. Daultana to stop the campaign in the press. He told me that he

agreed with me and that he had prepared a three-and-a-half-paged note on the subject which he was sending up to Murree where the Chief Minister was. Khan Qurban Ali Khan had that note in his hand but I did not read it. I told him that if he used his influence, he would succeed in stopping this mischief. Khan Qurban Ali Khan said that, left to himself, he would ban all these papers. He assured me that he would do his utmost to stop the campaign.

After this, I met the Home Secretary in February 1953 when the agitation had either started or was about to start. The Home Secretary had called a meeting of the editors of newspapers in the office of the Director of Public Relations. The date of this meeting is probably 27th or 28th of February, because I remember that it was held after the Home Secretary and Mr. Chatha had returned from Karachi. As far as I recollect, some leaders of the movement had then been arrested in Karachi. The Home Secretary appealed to the Press to co-operate with the Government, because the situation had taken a dangerous turn. I told him that he had appealed to the Press after the conflagration had actually started and that the cause of the conflagration was to be found in the office in which we were sitting, because it was that office which was supplying the inflammatory literature, the requisite printing paper and money to the papers which had been engaging themselves in the campaign.

He said he did not know all this. I told him that he could send for the register which was lying in the next room of that office and verify the truth of the allegation. The Home Secretary asked me to drop these old matters and to co-operate with the Government. I said that we would do our best, but that the Home Secretary should also stop their own newspapermen from encouraging the agitation. He replied that he had already warned those newspapers.

Before the agitation actually commenced, I also met His Excellency, Mr. Chundrigar, the then Governor. I impressed upon him the necessity of taking some steps in the matter as the agitation had developed to a dangerous extent. The Governor remarked that he was no more than a constitutional Governor and was helpless in the matter. He agreed with me that the movement would lead to dangerous consequences. Before the Governor also I had repeated my allegation that all this was being done at the instance of Government. He did not contradict my allegation. When he said that he was a constitutional Governor, he added that the Government itself could do a great deal but that it was wavering in its policy.

I once had a talk with the Chief Minister about Mir Nur Ahmad. This was in September 1952. Mr. Daultana remarked that Mir Nur Ahmad was ruining the Government and that he intended removing him within eight or ten days. I said that all this was a

lie and that I did not believe him. I also alleged that all that Mir Nur Ahmad was doing was at the instance of the Chief Minister himself and that what he was saying about the removal of Mir Nur Ahmad was merely intended to please me and that he did not intend removing him. He asked me to accept his word and said that he was making the necessary arrangements to replace Mir Nur Ahmad. I said that he need not do anything for my sake but that he should look to his own interests. Mir Nur Ahmad was not removed. This interview with the Chief Minister took place at the residence of Mr. Aziz Beg, Editor of the "Star". When Mr. Aziz Beg went out to see Mr. Daultana off, the latter asked the former to assure ^{me} that he (Mr. Daultana) was serious about removing Mir Nur Ahmad. Mr. Aziz Beg mentioned this to me when he returned to the room and I remarked that I did not believe a word of ^{what} he had been told.

Cross-examination by Mr. Asadullah Khan, on behalf of

Sadr Anjuman Ahmadiyya, Rabwah:-

Q. Are you an Ahmadi?

A. No.

Cross-examination by Maulana Murtaza Ahmad Khan Meikesh

on behalf of the Majlis-i-Amal:-

Q. Did you comment on the speech made by Chaudhri Muhammad Zafrullah Khan on 19th May in Karachi and the riots that it led to?

A. I was in Karachi on that day and I do not know whether on my return to Lahore I wrote anything on these incidents or not.

I am a firm believer in Khatm-i-Nabuwat.

Q. Are you at one in this belief with the Majlis-i-Amal?

A. If the Majlis-i-Amal have this belief, then they share my belief.

Q. What was the policy of your paper regarding the three demands?

A. I was of the view that the demands were prompted by political and not religious motives. I, therefore, did not support these demands. On the basis of facts then with me, I was convinced that this movement in a religious garb had been started by some dishonest political leaders of the Province who had hired the services of some Maulvis and newspaper men on payment and that these men were playing with the religious sentiments of the Mussalmans. I thought that after having

sacrificed the Musalmans at the alter of their selfishness, the leaders would ultimately strike a bargain with the Centre.

Q. Which aspect of the movement did you object to from May 1952 to January 1953?

A. I questioned the motives of the leaders who had started the movement but had no objection to the public meetings which were being held in support of the movement.

Q. Have you ever criticised Chaudhri Muhammad Saffullah Khan's foreign policy?

A. Yes, several times.

I published the comment, Ex.D.E. 189, on the statement of Mirza Bashir-ud-Din Mahmud Ahmad which was published in my paper in June 1953. I thought that the statement was inadequate.

Q. Is "Nawa-i-Waqt" the publication of a public joint stock company?

A. Yes

Q. Are any Ahmadis of the Lahori sect shareholders in the company?

A. Not to my knowledge. The policy of the paper is

controlled by me.

Q. What did you mean by "mischief" when you said in your statement that it could be stopped at once?

A. I was referring to the campaign which, in my opinion, was inspired by ulterior motives. I do consider the demand for the removal of Chaudhri Muhammad Zafrullah Khan to be mischievous because it was financed and inspired by ulterior motives. I would not call the demand itself to be mischievous.

To Mr. Fazal Ilahi by permission of the Court:-

Q. Will you not object to public meetings if they are the occasion for dissemination of hatred between different religious classes and lead to disorder?

A. In that case I would certainly object to such meetings.

(Mr. Yaqub Ali Khan states that in view of the disclosures made by the witness, which amount to serious allegations against his client and of which he had no notice, he is not in a position to cross-examine the witness and that an opportunity

should be given to him to obtain instructions from his client. The request is reasonable and Mr. Hamid Nizami is directed to appear on 2nd December 1953 for cross-examination.)

Sd/- M. Munir
PRESIDENT.

18th November 1953.

Sd/- M.R. Keyani.
MEMBER.

Statement of Mr. Hameed Mizzmi (Witness No. 112)

continued on S.A.-

Cross-examination by Mr. Yaqub Ali Khan, Advocate,

on behalf of Mian Mumtaz Muhammad Khan Daultana:

Q. Were you an ardent supporter of the Muslim League and of the Mamdot Ministry?

A. I was an ardent supporter of the Muslim League but I was not an ardent supporter of the Mamdot Ministry. I supported that Ministry whenever and good measure was taken by them and criticised them for their mistakes.

Q. Was the Mamdot Ministry deposed on 24th January 1949 and the Punjab Legislative Assembly dissolved?

A. Yes.

Q. Did you not after that date adopt an attitude hostile to the Muslim League which continued till Mamdot rejoined the Muslim League recently?

A. It is absolutely incorrect.

Q. Did Mamdot form the Jinnah Muslim League after his Ministry fell?

A. Not immediately after that. It was twenty months later that Mamdot started the Jinnah Muslim League.

Muslim League in November 1948?

A. Yes.

Q. Did you disapprove of this?

A. I was nobody to disapprove of it.

Q. Did you express any views on the matter in your paper?

A. I do not remember.

Q. Did you approve of Mamdot's deposition?

A. No.

Q. Is it not true that on the fall of Mamdot Ministry you started a campaign against the Central Muslim League and the late Khan Liaquat Ali Khan?

A. It is incorrect. I had friendly relations with Khan Liaquat Ali Khan for a very long time.

Q. Don't you recall that in your paper a news item appeared that Khan Liaquat Ali Khan refused to join the Common Wealth Conference not because the Kashmir item had not been included in the agenda of the Conference but because Begum Liaquat Ali Khan's fur coat had not till then been prepared?

A. This is not correct. The truth is that the alleged news item was not a news. A few humorous sentences were written by a humorist in a features peculiar to the paper. Mr. Liaquat Ali Khan had not refused to attend the Common Wealth Conference, but his departure had been delayed by a day or so and the humorist suggested that delay in the departure was due to the fact that Begum Liaquat Ali Khan's fur coat had not been completed.

Q. Did not this publication expose Khan Liaquat Ali Khan and his wife to ridicule and weaken his hands in a political bargain?

A. It may be that Khan Liaquat Ali Khan and his wife were exposed to ridicule, but it is certainly incorrect that the publication weakened the hands of Khan Liaquat Ali Khan in any political deal.

Q. Did you do anything to repair the damage that the publication of this news item had caused to the reputation of Khan Liaquat Ali Khan and his wife?

A. I met Khan Liaquat Ali Khan three or four months later and mentioned to him the circumstances in which the news had been published and told him that I was sorry if I had hurt his and his wife's feelings.

Q. Was this news item adversely commented upon in the press?

A. Yes, it was.

Q. Why did you not express your regret publicly in the press?

A. I think subsequently I said in the paper that the alleged news was a mere piece of humour.

Q. Are you a personal friend of the Khan of Mamdot?

A. Yes.

Q. Are you interested in his political prosperity?

A. I am his well-wisher.

Q. Have you not throughout been writing in his support?

A. I have not always agreed with him.

Q. Have you not been supporting the Khan of Mamdot in all his political career?

A. No. The Khan of Mamdot is in the Muslim League and I am out of it.

Q. When did you leave the Muslim League?

A. I was a member of the Muslim League till 1944, but resigned when I brought out the "Daily Nawa-i-Waqt". I, however, kept on supporting the Muslim League till the end of 1950.

Q. Did you not support the Jinnah Muslim League, the Jinnah Awami League and when both these organisations merged the Jinnah Awami Muslim League?

A. Yes.

Q. Did you not support the Jinnah Muslim League, the Jinnah Awami League and when both these organisations merged the Jinnah Awami Muslim League?

A. Yes.

Q. Did you not support the Jinnah Muslim League, the Jinnah Awami League and when both these organisations merged the Jinnah Awami Muslim League?

Q. When was the Jinnah Awami League started by Mr. Suhrawardy?

A. I do not remember, but if you say that it was in 1949 I am not in a position to contradict you.

Q. Did you support Mr. Suhrawardy till there was a rift between him and the Khan of Mamdot?

A. I was supporting him long before he joined hands with the Khan of Mamot and continued supporting him long after the rift.

Q. Are you still a supporter of Mr. Suhrawardy?

A. No.

Q. When did you withdraw your support?

A. I had a long discussion with Mr. Suhrawardy about the B.P.C. Report and the issue of National Language of Pakistan. He failed to satisfy me and we parted company. This was, if I remember aright, in July or August 1953.

Q. Does not this date synchronise with the date of the Khan of Mamdot's expulsion from the Jinnah Awami League?

A. I do not know the date of his expulsion.

Q. Why did you give up the Muslim League?

A. I did not agree with its policy.

Q. Do you now agree with its policy?

A. No.

Q. Did you in your paper welcome Mamdot's joining the Muslim League?

A. I criticised it.

Q. Did you not prominently publish in your paper statement of various public men welcoming Mamdot's rejoining the Muslim League?

A. No.

Q. Did you become Mr. Daultana's arch-enemy after he resigned the Mamdot Ministry in 1948?

A. No. We have been meeting quite frequently since then.

Q. Have you not been Mr. Daultana's critic since then?

A. I was his critic even before that date.

Q. Was your criticism, if any, before May 1948 in the same tone as after that date?

A. There may be some difference in the tone.

Q. Has not your criticism of Mr. Daultana been of personal character?

A. No.

Q. Did you not publish in the 'Nawa-i-Waqt' of 16th March 1951 the news that Mr. Daultana had employed prostitutes in his constituency to tease ladies of noble birth?

A. I require you to show this.

Q. I put it to you that since May 1948 you have in various ways been vilifying Mr. Daultana?

A. This is not correct. I have criticised him many a time but I have also appreciated his good points. I wrote one leading article after the dismissal of Daultana Ministry in which I gave credit to it for introducing the scholarship scheme.

Q. Was Ex. D.E. 291 a regular feature of your paper?

A. Only during the elections.

Q. Do you know if Mr. Suhrawardy issued a statement in favour of the movement during the disturbances?

A. I know that he intended to issue a very lengthy statement but I believe it was never published. The statement he intended to issue was in support of the demands.

Q. Do you know if Mr. Suhrawardy was, in his public statements, supporting the demands?

A. I came across no such statement.

Q. Please look at the ^{note} "Do Bam" (two bombs) in your

paper of 23rd July, 1950, Ex.D.E.292. Is not the reference in this to Mr. Daultana in undignified words?

A. No.

Q. And your staff reporter's news in your paper of 26th July 1950, Ex. D.E. 293, attributing greed, threats, persuasion, etc. to Mr. Daultana?

A. This is just a news item.

Q. Is not the reference to "masters" in this to Khan Liaquat Ali Khan and his party in the Central Government?

A. No.

Q. Who are the "Rahzen" referred to in your issue of 31st July, 1950, Ex. D.E. 294?

A. The word is used in a general sense and does not specifically refer to Mr. Daultana.

Q. Who is this "Qasmi Khadim" and "Awami Hamdard" in this article?

A. This again is general.

Q. Did you not, in your issue of 28th July 1950, Ex.D.E. 295, allege that Mr. Daultana had the support of the Centre?

A. What I said was that Mr. Daultana was saying that he had such support.

Q. Please see the article "مذہب و ملت" in your issue of 12th July, 1950, Ex. D.E. 296. Does it not show that you have been an implacable critic of Mr. Daultana?

A. I have already conceded that I have been a strong critic of Mr. Daultana.

Q. Does a person remain a Muslim if he does not subscribe to the doctrine of Khatm-i-Nabuwwat in the sense in which the general body of Muslims subscribes to it?

A. In my opinion such a person ceases to be a Muslim.

Q. Was this the view of Maulana Ashraf Ali Thanvi, Maulana Sayyed Anwar Shah and Allama Iqbal?

A. I only know of Allama Iqbal's views expressed by him in his pamphlet on Ahmadism. I agree with those views.

Q. Please look at your leading article dated 12th July 1952, Ex. D.E. 297, and say whether the views expressed therein agree with the views you have

just now expressed?

A. Yes. This article expresses the same views as I have expressed now.

Q. Did you in this leader suggest that the demand should be discussed and decided upon by the All Pakistan Muslim League?

A. Yes.

Q. Did you write the article dated the 17th July, 1952, Ex. D.E. 298, "*سینئر اراکین خاں علیحدہ ہو جائیں*"?

A. Yes.

Q. Why did you advise Chaudhri Muhammad Zafarullah Khan to resign?

A. I did so in the interests of Pakistan.

Q. Was it one of the three demands of the general body of Muslims that Chaudhri Muhammad Zafarullah Khan should be removed?

A. Yes.

Q. Please look at the leader dated the 10th August, 1952, Ex. D.E. 299. Have you not in this reiterated your view that Chaudhri Muhammad Zafarullah Khan should resign voluntarily?

A. Yes, that is so.

Q. Did you not express the view in the article of 6th August, 1952, Ex. D.E. 300, that Chaudhri Muhammad Zafarullah Khan should resign voluntarily?

A. Yes, I did so.

Q. Did you not in the issue of 17th July, 1952, suggest that the matter could also be considered by the Provincial Muslim League?

A. Yes.

Q. Were you allotted the Amrit Electric Press during the Mamdot Ministry?

A. It was allotted by Mr. Daultana himself.

Q. Was not this allotment cancelled during Mr. Daultana's Ministry in April 1951?

A. The correct position is that the press was sealed and, therefore, the allotment was automatically cancelled.

Q. Did you allege that this had been done by Mr. Daultana from motives of personal enmity?

A. I might have said so.

Q. Was your paper required to deposit a security of Rs. 3,000/- in Mr. Daultana's regime?

A. Yes.

Q. Why was this security demanded?

A. Because the Government objected to the publication of one of Mamdot's election speeches.

Q. Was not as a result of your omission to deposit the security, the declaration of your paper cancelled?

A. I still maintain that I went to the District Magistrate to deposit the security in time but that it was not taken by him intentionally.

Q. Did you allege that the refusal to receive the security was due to personal motives?

A. I might have said so.

Q. Was the "Nawa-i-Waqt" subjected to censorship?

A. Yes, during the elections.

Q. Did you in relation to this complain to the Governor against the conduct of Mir Nur Ahmad?

A. I complained against Mir Nur Ahmad several times.

Q. Did you put in a petition for initiating contempt proceedings against the Chief Secretary and Mir Nur Ahmad?

A. I did so.

Q. Was this petition as well as the earlier petition against the demand of security, dismissed?

A. Yes.

Q. Have not your relations with Mir Nur Ahmad been strained?

A. Yes.

Q. When you learnt that articles on Khatm-i-Nabuwat were being supplied by the Director of Public Relations, why did you not disclose this in your paper?

A. I must have done it.

Q. Will you be able to produce any evidence of it?

A. I should be.

(The witness has been directed to make a search and produce the relevant issues of the "Nawa-i-Waqt.")

Q. Who were the other persons present at the tea

party?

A. Almost all editors of newspapers.

Q. Was this party arranged by Mr. Haamid Jalal
News Editor of Radio Pakistan, Lahore?

A. I do not think so. The tea was provided by
Mr. Qureshi himself.

Q. Was Mr. Haamid Jalal present at the tea party?

A. He may have been.

Q. What was your exact complaint against the
Directorate of Public Relations in this
matter?

A. What I told Mr. Qureshi was that the articles
were being inspired by the Directorate of
Public Relations and that Mir Nur Ahmad was at
the back of the campaign.

Q. What do you mean by "articles were being
inspired" by Mir Nur Ahmad?

A. Mir Nur Ahmad used to call some of the newspaper
editors in his office and he dictated to them

the points of the articles to be written.

Q. Was this your only complaint?

A. I might have said many other things. I told Mr.

Cureshi that these newspapers were being subsidised

by Government, that they were not following an

independent policy, that their policy was being

moulded by the Director of Public Relations and

that if Government seriously desired to suppress

this campaign in the press, it could do so at once.

Q. How do you know that Mir Nur Ahmad dictated the points of the articles?

A. I had my own sources.

Q. Will you mind disclosing those sources?

A. Some of the editors themselves admitted this before me. My reporter also gave me the same information.

Q. Can you disclose the names of these editors?

A. Yes, but it may be that they are not willing now to repeat what they said to me. One of them was Mr. Auj, editor of the "Ehsan"; another was Mr. Shibli, editor of the "Zemindar", and the

third was Mr. Sarwar, editor of "Afaq". Maulana Akhtar Ali Khan said the same thing to me several times.

Q. Did you believe what they said to you?

A. Yes I did, and I could gather this from the trend of the articles themselves.

Q. Is Ex. D.E.300 the file you produced before Mr. Garmani?

A. Yes.

Q. Does this file contain the articles of which the necessary points were dictated by Mir Nur Ahmad?

A. Yes, some of them are.

Q. Are you in a position to say that these articles were written by the Directorate of Public Relations?

A. I cannot say that.

Q. Please state your reasons for the assertion that the points of these articles were dictated by Mir Nur Ahmad?

A. The trend and the line of argument.

Q. Do you suggest that these articles came from a common source?

A. Yes.

Q. Is there anything in these articles themselves

connecting them with Mir Nur Ahmad?

A. No.

Q. When did you meet the Prime Minister in Karachi?

A. In the beginning of August at the Newspapers Editors Conference.

Q. Why did you not send the file direct to the Prime Minister?

A. I had told the Prime Minister that I would hand over the file to Mr. Gurmiani.

Q. You have said that you kept a file on each subject. Was this file kept on the same principle?

A. No. The file kept on that principle was a different file, and it was from that file that I made my selection of which this file is made.

Q. Have your relations with Mr. Ibrahim Ali Chishti been strained?

A. Not particularly.

Q. Did you call him a "Fifth Columnist" during the Mamdot Ministry?

A. I do not think so.

Q. Did Mr. Ibrahim Ali Chishti write a pamphlet "Fifth Column kaun hae"?

A. I heard of it but never saw it.

Q. Did Mr. Ibrahim Ali Chishti publish in that pamphlet receipts showing that you had received money from the Communal Harmony Board?

A. I have heard that, but the allegation of my receiving any money from that Board is absolutely incorrect.

Q. Please look at Ex. D.E.301. Is this receipt signed by you?

A. I never signed this receipt. I have never signed as "A.H.Nizami", my invariable signature being "Rameed Nizami". I have been editor of "Nawai Waqt" for eleven or twelve years, and for nine years out of this period I have been in conflict with people in power, but even they have never accused me of lack of integrity or of unscrupulousness.

To Court:

Q. Were you ever in the Communal Harmony Board?

A. Never.

Q. Did you ever write anything in favour of that movement?

A. Never.

Q. Did you have any sympathy with that movement?

A. No.

Q. Did you like that movement?

A. No.

To Counsel contd.-

Q. Did you get this pamphlet proscribed by the
Mandot Ministry?

A. It is absolutely incorrect.

Q. Was it proscribed by the Mandot Ministry?

A. Yes.

Q. Did your relations with Mr. Ghishti deteriorate
after the publication of this pamphlet?

A. Yes. But we went on occasionally meeting each
other even after that.

Q. Did you from 12th July 1952 to the end of the
disturbances ever publish anything in your news-
paper condemning the manner in which the agitation
was being carried on?

A. I wrote several articles to the effect that Muslims were being duped by political adventurers, who were building their own career on religion.

Q. Were you in favour of the demands?

A. No, certainly not.

Q. Did you write anything against the demands?

A. No.

Q. Why?

A. My reply is the same as I gave to Mr. Ghias Ahmad, Home Secretary, and Khan Durban Ali Khan, Inspector-General of Police, namely, that I expected no protection if I openly wrote against the demands and that my office would be burnt at the instance of Public Relations Directorate which was fanning the agitation.

Q. If you had opposed the demands, do you think the sale of your paper would have diminished?

A. I have never permitted considerations of sale to affect my policy.

Q. Did you apprehend any personal harm?

A. Yes. I received several letters threatening me with

murder.

Q. Did you mention this threat to anyone, as for instance, the Prime Minister, Mr. Gurmani and Dr. Ishtiaq Hussain Qureshi?

A. Yes. I mentioned it to Mr. Gurmani as well as to Dr. Ishtiaq Hussain Qureshi.

Q. Why were you opposed to these demands?

A. I have already told you that they were put forward by political adventurers from political motives.

Q. Do you agree with the demands?

A. There is no demand now.

Q. Do you think the Ahmadis deserve to be declared a minority?

A. Certainly not.

Q. Do you think that the present Foreign Minister be removed from his office?

A. No.

Q. Do you think that the Ahmadis should be removed

A. No.

Q. Do you think that the Ahmadis should be removed from key positions in the State?

A. This should not be suggested even in the case of Hindu citizens.

- Q. You have stated today that you were not in favour of the demand relating to the removal of Chaudhri Muhammad Zafarullah Khan from the Pakistan Cabinet. When you published articles in the "Nawa-i-Waqt" of 17th July 1952, 6th August 1952 and 10th August 1952 suggesting that the Minister should voluntarily resign in the interest of Pakistan, did you intend to put the Central Government and the Muslim League in embarrassment?
- A. No. On the contrary, I suggested voluntary resignation of Ch. Muhammad Zafarullah with a view to saving the Pakistan Government from embarrassment.
- Q. Did it not occur to you that these articles would encourage the agitators in their demand for the removal of Chaudhri Muhammad Zafarullah Khan?
- A. Why should these articles have any such effect when what was suggested was voluntary resignation by the Minister himself?
- Q. Were not the general body of Muslims generally in favour of the removal of Chaudhri Muhammad Zafarullah Khan?
- A. When I wrote these articles, they were. This was the main reason why I suggested it to Chaudhri Muhammad Zafarullah Khan to resign voluntarily.

Q. In your evidence at the last hearing you referred to your interview with the Chief Minister and what transpired therein. Now look at the report of that interview published in the "Nawa-i-Waqt" of 9th September¹⁹⁵² Ex.D.E.302, and say whether your admission therein, that during the interview the Chief Minister gave you the impression that he was sincere in his views, does not conflict with your earlier statement that you did not believe a word of what he had said?

A. There is no inconsistency between the two, because the words " *شریفانہ گفتگو* " refer only to the political and national matters which were generally discussed between us and not to what was said about Mir Nur Ahmad.

Q. Will you call a person a "sharif" if in his conversation with you he gives the impression of being a hypocrite?

A. The word "sharif" is Urdu translation of the word "Gentleman".

Q. Did you put yourself in the same category when you referred to Mr. Daultana and yourself as "*دو شریفانہ*"?

A. I meant two gentlemen talking face to face.

Q. Did you in the course of that interview suggest further interview with the Chief Minister?

A. Yes, I actually met him even subsequently.

Q. Would you like to go on meeting a man whose word you are not prepared to believe?

A. He was the Chief Minister of the Province and wanted to discuss certain matters with me. Ordinary courtesy required me not to refuse the invitation.

Q. Did you in this meeting or in subsequent meetings with the Chief Minister allege that the articles on "Khatm-i-Nabuwwat" were being inspired by Mir Nur Ahmad?

A. No.

To Court:-

Q. Why?

A. I was not interested in Mir Nur Ahmad or his activities as far as the meeting of early September was concerned.

To Counsel (continued):-

Q. Are you aware that a campaign for the removal of Chaudhri Muhammad Zafarullah Khan was being carried on from the press and public platform in Karachi?

A. Yes.

Q. Do you think that the campaign was genuine?

A. It was less mischievous than the fuss in Lahore. I do not think any Karachi newspaper was aiming at mischief.

Q. Who is the Chairman of the Board of Directors of the "News-i-Waqt"?

A. We do not have any Chairman. The Chairman is elected at every meeting of the Board of Directors. Usually it is Mr. Muntaz Ahmad of Messrs. Fazal Din & Sons.

Q. Is the Chairman of the Board an Ahmadi?

A. You are completely mistaken. None of the Directors even is an Ahmadi.

To Court:-

Q. Please look at the file Ex. D.E.300. Will you point out to Court the common arguments and the common trend in the several articles in this file?

A. I have seen this file carefully once more and it appears to me that it is not in the form in which I handed it over. I remember having pointed out to the Minister for the Interior the common points in the articles when I handed over the file to him. The number of articles at that time was about twenty or twenty-five. According to the information then with me, the article " *یہ قادیانی قریب* " - *۱۲* - *پاکستان کی ساری حکومتیں غلام ہیں* " was one of the articles of which the points were supplied by Mir Nur Ahmad. The article " *مسلمانوں اور قادیانیوں کی موجودہ کشمکش* " *۱۳*

which purports to have been contributed by a "Dardmand
 Musalman" may be the work of Mir Nur Ahmed because he
 used to contribute to my paper under this pen-name. In
 my opinion the article "کریک ڈراٹ مکتب کے لئے تنظیم قوت" ^{میر نور احمد}
 in the "Shan" and the article "سیارکریک پاکستانی حالت پر ایک تجویز" ^{میر نور احمد}
 in the "Afaq" are the product of the same author.

To Mr. Yaqub Ali Khan:-

Q. Were advertisement to your paper stopped by the
 Daultana Ministry?

A. They were stopped long before that Minister assumed
 office.

Q. Was it at the instance of Mir Nur Ahmad?

A. I do not know, though he had some voice in these
 matters. The advertisement used to be received by the
 newspapers from the office of the D.P.R. The
 "Nawe-i-Waqt" was on the approval list but it did
 not receive its proper share of the advertisements.
 I do not think what I have stated about advertisements
 from the office of the D.P.R. is true in the case of
 advertisements from the Centre.

To Court:-

Q. Did you attend the meeting at the Government House

on the afternoon of 5th March 1953 to which prominent citizens of the town were invited?

A. Yes.

Q. Who presided at that meeting?

A. H.E. the Governor.

Q. How long did stay at the Government House?

A. For about two hours.

Q. At what time did you leave the Government House?

A. When I returned, the curfew had been imposed and I had to obtain a curfew pass. I must have returned not earlier than 4 p.m.

Q. When did the meeting disperse?

A. When I returned, most of the men had left but five or seven persons were still present.

Q. Were these persons officials?

A. When I left, all the Ministers and the Governor were still sitting and considering a draft.

Q. Do you know what that draft was?

A. It was Maulana Maudoodi's draft and it was read out.

Q. Do you know if the draft was agreed to by the Ministers?

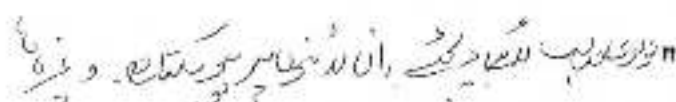
A. The only Minister who spoke about the draft was the Chief Minister and it seemed that he was inclined to accept the draft.

Q. Did the Governor say anything?

A. He did not agree with the draft. He remarked that the draft required alterations.

To Mr. Yaqub Ali Khan by permission of the Court:-

Q. Can you recall the purport of the speech made by Mr. Daultana about the draft?

A. He made no speech. Addressing Maulana Maudoodi, he just said " 

Earlier Maulana Maudoodi had made a speech and made certain suggestions. Then Mr. Daultana asked Maulana Maudoodi to prepare a draft on the lines suggested by the latter. Maulana Maudoodi then prepared a draft which was read out.

Q. Is it true that Government were not willing to accept the draft?

A. Yes. My impression is that the Government intended to

shelve that document.

H.O. & A.C.

Sd/- M. Munir

21st December 1953.

PRESIDENT

Adjourned till tomorrow for further proceedings.

Sd/- M. Munir

21st December 1953.

PRESIDENT.

Witness No. 113 (Called by Court)

Mr. Muhammed Yaqub Khan, editor, Civil and Military Gazette, Lahore, on S.A.-

To Mr. Fazal Ilahi, Advocate, on behalf of the Punjab Government:

I was one of the persons invited to a tea party by Dr. Ishtiaq Hussain Qureshi. This was when the agitation was in full swing. As Maulana Akhtar Ali Khan was supposed to be leading the movement, Dr. Qureshi addressed himself mainly to the Maulana. He said that the agitation was detrimental to the interests of the country and that it should be stopped. While we were talking, Mr. Hamid Nizami pointed to Mir Nur Ahmed and said that he was the arch-criminal who was responsible for the whole trouble. Mir Nur Ahmed kept quiet and did not contradict Mr. Nizami's accusation.

To Mr. Fatch Muhammed Aziz, Advocate, for Ahmadiyya

Anjuman-i-Isha'at-i-Islam:-

Q. Did you know Allama Iqbal?

A. I knew him intimately.

Q. What was his belief regarding the Nabuwwat of Mirza Ghulam Ahmad Sahib?

A. The Allama always talked well of Mirza Sahib. He admitted before me that he believed that Mirza Ghulam Ahmad Sahib was the recipient of ilham. He, however, thought that persons who attained spiritual heights often got involved into spiritual entanglements, and in this connection he cited the instance of Hazrat Mujaddad Sirhindi.

I still remember one remark made by Allama Iqbal and this was to the effect that he did not ask any Ahmadi to give up his belief but that he would advise the Ahmadis to outgrow the Ahmadiyya movement. As far as I could judge him, Allama Iqbal was a believer in a dynamic theory of life, i.e., in continuous growth, and was against all stagnation. He went to the extent of expressing it as his opinion that those who thought that God had attained perfection, in the sense that this perfection did not admit of any further change, were mistaken because all perfection implied stagnation.

To Court:-

Allama Iqbal never thought Islam to be a dogmatic religion in the sense that it was based on certain dogmas

which never changed and remained immutable. I remained intimately associated with Allama Iqbal right up to the time he published his views on Ahmad-ism in the early thirties.

To Maulana Murtaza Ahmad Khan Maikash, Member,

Majlis-i-Amal:

Q. What did you think Allama Iqbal meant by

"spiritual entanglements"?

A. I took him to refer to baruzi and zilli Nabuwat,

which is to be found in the writings of Mirza

Ghulam Ahmad Sahib, and references to Wahi which

occur in the works of Hazrat Majaddad Sirhindi.

Q. Has Hazrat Majaddad Sirhindi referred to baruzi

and zilli Nabis?

A. I think he has.

I still remember the following words of Hazrat

Majaddad Sirhindi:-

"اِنَّ اِسْمَ رَبِّكَ اَسْمَ اِلَٰهٍ اَحَدٍ - وَفِيَّ اِسْمَ رَبِّكَ اِسْمَ اِلَٰهٍ اَحَدٍ"

To Mr. Nazir Ahmad Khan, Advocate, on behalf of

Jama'at-i-Islami:-

I belong to the Lahori school of Ahmadis.

(Mr. Yaqub Ali Khan, Advocate, counsel for Mr. Daultana, requests that he may be permitted to cross-examine this witness after he has cross-examined Mr. Hamid Nizami. The request is granted and the witness is directed to appear in Court on 2nd December 1953.)

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Sd/- M. Munir.

PRESIDENT.

Sd/- M.R. Kayani.

MEMBER.

18th November 1953.

21st December 1953..

74th Sitting.

Present:

Hon'ble Mr. Justice Muhammad Munir,

Chief Justice,

President,

Mr. Ijaz Ali, for the Punjab Government.

Mr. Yaqub Ali Khan, Advocate, for Mian Muntaz

Muhammad Khan Daultana.

Mr. Fateh Muhammad Aziz, Advocate, for Ahmadiyya

Anjuman-i-Isha'at-i-Islam.

Mr. Saeed Malik, Amir-i-Jama'at-i-Islami, in
person.

WITNESS NO. 113 (Called by the Court) continued:-

Mr. Muhammad Yaqub Khan, Editor of the C. & M.

Gazette, Lahore, on solemn affirmation:-

To Mr. Yaqub Ali Khan, counsel for Mr. Daultana:-

Q. Who controls the policy of the C. & M. G.?

A. The Board of Directors.

Q. Who is the chairman of the Board?

A. Khawaja Nazir Ahmad.

Q. Does the Board control the policy of the paper in political matters?

A. Yes.

Q. Does Khawaja Nazir Ahmad approve or disapprove of the "leaders"?

A. No, except in very exceptional cases. Once I wrote a leading article on the Rawalpindi Conspiracy Case. In those days such articles used to appear simultaneously in Karachi and Lahore. When I read the paper on the following morning, I found that the "leader" which I had contributed had not appeared in it. I understood that the Central Government had taken exception to that article with the result that it was not published.

Q. Do you know how the Central Government came to know of the leading article?

A. The article had been communicated to Karachi and the Central Government was in contact with our Karachi office.

Q. If Khawaja Nazir Ahmad is at Lahore, does he attend the office of the C.&M.G. regularly?

A. He attends only occasionally.

Q. When he comes to office, does he discuss with you what is about to be published as the leading article?

A. No.

Q. Has it ever happened that a leading article has been shown to Khawaja Nazir Ahmad and he has either approved or disapproved of it?

A. Yes. This happened in some cases.

Q. What was the reaction of your paper to the Muslim League resolution passed on 26th July 1952?

A. I cannot recollect unless I see what was written about it. I see the "leader" (appendix No. 20 to Mr. Daultana's written statement), Ex.D.E.289, and can say that the reaction of the paper was favourable to the resolution.

Q. Does not this "leader" approve of the stand taken

up by Mr. Daultana?

A. It does.

Q. Did you not comment upon Mr. Daultana's achievement and say that "his firm and sober stand on Khatm-i-Nabuwwat resolution refusing to be swayed by sentiments to the detriment of the country's larger interests was reminiscent of the Quaid-i-Azam's unswerving determination where principles were involved and will constitute a landmark in the history of Pakistani leadership"?

A. Yes, I expressed that view.

Q. Do you know what the head of the Ahmadiyya community said about the stand taken up by Mr. Daultana in this matter?

A. No.

Q. Did not your paper react favourably when Mr. Daultana introduced his agrarian reforms?

A. It did.

Q. Have you changed the policy of the paper after the deposition of the Daultana Ministry?

A. No.

Q. Is it not a fact that since the deposition of that Ministry, your paper has been carrying on a consistent campaign against agrarian reforms?

A. There is no inconsistency in this. When the reforms were inaugurated the paper praised them but gradually when defects began to become apparent, the paper criticised those reforms.

Q. Do you know if the policy of the present Government also is against the agrarian reforms introduced by Mr. Daultane?

A. As far as I know, Mr. Daultane himself expressed the view that his reforms needed amendment.

Q. You have not answered my question ?

A. The Ministry also is faced with certain difficulties in the agrarian reforms and wishes to amend them.

Q. When did Mr. Daultane say that there were defects in his reforms?

A. You may see the "leader" of my paper dated the 30th August, 1953, Ex. D.B. 290, which refers to Mr.

Daultana's statement. In his statement issued some days earlier, Mr. Daultana had said that Mr. Noon could improve upon the land reforms.

Q. Has not the C. & M.G. been carrying on a campaign against Mr. Daultana and his group since the fall of Daultana Ministry?

A. We have not been carrying on any campaign against Mr. Daultana. We have merely been criticising his attitude towards the anti-Ahmadiyya agitation.

Q. Who appointed Mr. A.R. Shibli as editor of the "Millat"?

A. Appointment orders are always signed by me though the appointments are made by the Chairmen of the Board in consultation with the Managing Director.

Q. Did Mr. Shibli know that his appointment had been made by the Chairman?

A. I cannot say.

Q. Did Mr. Shibli see Khawaja Nazir Ahmad in connection with his appointment?

A. Not to my knowledge.

Q. Who controlled the policy of the "Millat"?

A. The position was the same as in the case of the "C. & M. G.".

Q. Does Government purchase copies of the "Civil and Military Gazette" and the "Millat" for Jails and other Government departments?

A. The Manager should be able to tell you. I have seen some newspaper reports that the "Civil and Military Gazette" is supplied to Jails.

To Mr. Feteah Muhammad Aziz, Advocate, (With permission):-

Q. Did you have any talk with Maulana Maikesh about the agitation?

A. Yes, but this was before the disturbances actually began. We were travelling together

in the Model Town Bus and Maulana Maikash
mentioned to me that this time the agitation
would to be very serious.

R.O.A.A.C

Sd/- M. Munir.

21st December 1953.

PRESIDENT.

Malik Habib Ullah, Assistant to the Deputy Inspector-General of Police, C.I.D., Punjab, on solemn affirmation:-

I was Assistant to the Deputy Inspector-General of Police C.I.D., during the disturbances.

To Mr. Fazal Ilahi:-

Q. Did you, during the disturbances, telephone to any district officers conveying to them instructions regarding volunteers?

A. Under the orders of Mr. Anwar Ali, Inspector-General of Police, on the forenoon of 2nd March 1953, I communicated by telephone certain instructions to the Superintendents of Police, Rawalpindi, Gujranwala, Montgomery, Multan, Sargodha and Lyallpur.

The instructions were to the effect that they should use persuasive methods and good offices with influential persons in dissuading volunteers from proceeding to Karachi, but that, if such persuasion was unsuccessful and the only course left with the police was to use force in order to stop them, they should let them go.

To Court:-

Q. How long did these instructions continue in force?

A. Up till the 3rd of March.

Q. Were they replaced by further instructions?

A. At about noon on 3rd March I was directed by the Inspector-General of Police to inform the S.Ps. concerned that the

instructions issued on the previous day were cancelled.

To Mr. Fazal Ilahi:-

The instructions also included a direction that volunteers were not to be arrested.

Q. Were any fresh instructions given?

A. Originally, instructions were issued on 1st March to the effect that volunteers proceeding to Lahore or to Karachi were to be stopped by persuasion. These instructions were issued over the wireless and I do not now recollect whether anything was said in them about arresting the volunteers. As far as I remember, those instructions also emphasised persuasive methods to stop volunteers from proceeding to their destinations. The cancellation of instructions of 2nd March meant that the instructions of 1st March were revived. ✓

Most probably on 2nd March I also communicated instructions to the Superintendent of Police, Gujranwala, asking him to convey it to the District Magistrate that the situation was to be handled with firmness.

These instructions were occasioned by the fact that railway traffic had been interfered with in some places in the district of Gujranwala.

Q. Did you convey the instructions of 2nd March to

Mr. Noon, D.I.G., Multan?

A. No.

Exhibit D.E.190 is a correct copy of the instructions issued to the Superintendent of Police, Gujranwala on 2nd March. It is also stated at the margin of this document that the Home Secretary also had had spoken to D.M. Gujranwala.

To Mr. Yaqub Ali Khan counsel for Mr. Daultana:-

Q. Is Ex.D.E. 191 the note relating to the instructions by telephone?

A. Yes. This note appears at page 4 of the file 16(19)-I, Volume I.

These instructions were seen by the I.G. Police on 2nd March, by the Home Secretary on 2nd March by the Chief Secretary on the 3rd March and by the Chief Minister on the 9th of March. I marked the note to the I.G. who sent it on to H.S. and he in turn marked it to the Chief Secretary and the Chief Minister. I sent this note to the I.G. on 2nd March.

Q. Do you know that on 28th February instructions were issued to all the Superintendents of Police that volunteers should not be allowed to proceed to Karachi

but if they did proceed, information of this must be given to Karachi as well as to the Sind Police?

A. I remember that some such instructions were issued but I cannot say without seeing the signal on which particular date it was issued, whether the instructions were issued by signal or by telephone and whether they were in the exact terms of the question or with any variation. As far as I remember, these instructions did direct that the Superintendents of Police should inform the Punjab C.I.D. as well as the authorities of the destination of the volunteers about the number and means of transport of volunteers proceeding to Lahore or Karachi.

Q. Did the Lahore Police receive any information on 2nd and 3rd March that volunteers had actually proceeded to Karachi?

A. I do not remember to have received any such report from any of our district.

I was present at the meeting which was held at the H.C.M.'s house on the 27th of February at which, among other things, a decision was taken to the effect that

information about volunteers who leave Lahore should be sent to the Sind as well as to the Karachi police so that arrangements for their arrest en route could be made. These instructions were communicated to the district officers but I do not know when.

Q. Is it a fact that a large number of volunteers from the mofussil had started pouring in to Lahore by the 2nd March?

A. Yes.

It is not possible for me to say what the intention of the originator of the instructions of 2nd March was.

Q. Did ~~not~~ you discuss this matter with the I.G.?

A. Subsequently there were occasions when I discussed this particular matter with the I.G. I gathered from him that the intention was to avoid diffusion of police force in the various districts of the province so that, if necessary, concerted action could be taken at fewer places.

To Court:-

Q. Was the I.G. Police himself responsible

for these instructions or was he required by

some one else to act in that manner?

A. I cannot say.

To counsel continued:-

I was at the Government House in the evening of 5th March.

Q. Who else was then present there?

A. Cabinet Ministers, some military officers, most probably including Major General Muhammad Azam Khan and a Brigadier, I.G. Police, D.I.G. Lahore Range, Chief Secretary and the Home Secretary.

Q. Was a decision then taken that there should be a let-up in firing?

A. Yes.

Q. What was the exact decision?

A. It is not possible for me to say what the exact decision was but the purport of the decision was that the police should open fire only when they were attacked and that technical breaches of curfew or other orders under section 144 might be ignored. This decision was arrived at at the suggestion of His Excellency the Governor

Q. Did you, on 1st March, signal to all S.Ps. that volunteers were not to be permitted to proceed to Karachi and, if possible, to Lahore?

A. Yes.

If any volunteers had left for Karachi on 2nd or 3rd March, then in accordance with the instructions issued on 27th of February and 1st of March, the S.Ps. should have sent that information to me.

While making the suggestion, the Governor pointed out that during the Martial Law in Sholapur in 1931 no notice was taken of technical breaches of orders under section 144, and suggested that the same method be adopted here.

Q. Did the decision taken at the Government House on the 5th March give any directions to the police as to the rioters' mob engaged in violence to persons and property?

A. Before I answer this question, I would like to give the background of the decisions that were taken at the Government House on the 5th evening relating to the letting up of firing and the ignoring of the technical breaches of the curfew order. On the 5th, quite a number of incidents

had occurred in Lahore in which property had been burnt persons attacked and some acts of violence committed. Actually this state of affairs started on the evening of the 4th of March when the S.S.P. was murdered at the Wazir Khan Mosque. From that time onwards, all the available police in Lahore had been on duty for more than 24 hours and on quite a few occasions they had to resort to firing to disperse rioters/mobs. At the Government House meeting it appeared that the Government was feeling perturbed over these reports of incidents and police firing. It was also felt that the public were ignorant of the real intention of the agitators and were being misled. The General Officer Commanding, who was present at the meeting, suggested that leaflets should be printed and thrown by aeroplanes in which the correct position so far as the agitation was concerned and the action taken by the Government should be clarified. One of the Brigadiers who was present at the meeting also suggested that at all the important police stations where the situation had become tense, detachments of the army should be posted to assist the police. This particular suggestion was, however, turned down by the G.O.C. It appeared that the Government felt that if any more casualties

occurred due to police firing, it will further infuriate the masses. To my mind this was the main reason why a decision to let-up firing and resort to it only when the police were attacked was taken.

To Court:-

Q. Any change in the situation after this, for the better or for the worse?

A. The situation definitely became worse. The police was becoming demoralised and the hooligans appeared to have become more offensive.

To counsel continued:-

Q. You have still not answered my question whether the decision taken at the Government House gave any direction to the police where rioters' mobs started damaging private property and person, Was anything decided in that meeting about this aspect of the matter?

A. Nothing specific was said relative to that position.

Q. Were the decisions reduced to writing or noted?

A. I scribbled a note of the decisions which later on was passed on to the Home Secretary. No formal

record of the proceedings was prepared by anyone.

I was present at the Government House when a decision was taken to issue a statement of the Chief Minister on 6th March.

Q. Did anyone direct you to arrange for the distribution of copies of that statement?

A. I was commissioned to take a number of copies, probably a couple of thousand, to the airfield in the Lahore Cantonment and have them thrown from the air over the town. I duly executed this commission. The R.P.A.F. had already received instructions to this effect from the Government House.

I faintly recollect that I was required to get into touch with Khalifa Shujaud-Din But I am not definite whether any copy of the statement was delivered to him by me or whether I instructed anyone to take any copy of the statement to him. The decisions at the Government House on 5th March were taken between 5.30 and 6 p.m. I handed over the notes of the decisions of 5th March personally to Mr. Ghias-ul-Din Ahmad, the Home Secretary.

Q. Did the Chief Minister at the time of taking the decisions of 5th March say anything about the army, namely, that the army was merely to be used for purposes

of show?

A. I do not think he said anything of that kind.

Q. Were you on duty on the night of 5th March?

A. Yes. In fact I was through-out on duty ever since the 2nd of March.

Q. Where were you on the night mentioned?

A. For a considerable time I was at the Civil Lines Police Station, drafting orders, preparing roster of duties of various police officers, etc., and as I had not slept for forty-eight hours, I might have gone to rest for a short while. I did not go out of the police station.

Q. What happened on the night of 5th March?

A. I do not remember offhand, but there might have been a few incidents.

I was not on control duty and cannot say whether any information about any incidents was received or not.

Q. Were you at the Government House on the morning of 6th

A. I went there at 10 o'clock and was there till midday.

To Court:-

Q. Was the Kotwali ever surrounded by riotous mobs during the disturbances?

A. Yes, on 6th March when I was at the Government House

I heard that the Kotwali was being surrounded by such mobs.

Q. How long did this continue?

A. I have no idea. Later on, I learnt that the Kotwali remained in a critical situation for about two hours.

Q. Did the police fire to defend the Kotwali from a possible attack?

A. I am not definite but some tear-gas bombs were used and some rounds of ammunition fired.

Q. Did the police fire to kill?

A. I cannot say.

Q. After the decision of the 5th afternoon, did the police fire anywhere?

A. I do not think that the police reported to firing anywhere except, as I have already said, in the case of the Kotwali.

Q. Was any decision taken on the morning of the 5th that the situation should be dealt with firmly and that force should be used in a liberal measure?

A. Yes, there was such a decision.

Q. Was this decision acted upon?

A. Yes.

Q. What effect did it have on the situation?

A. My view is that wherever force was used after this decision of the morning of the 5th, the situation came under control.

Q. Do you think that if this decision had not been modified by the decision of the afternoon, the situation could have been controlled?

A. I believe that if the army had lent a really helping hand and assisted the police in restoring law and order, the situation must have improved. Until the declaration of Martial Law, the army did not fire and people were under the impression that they would not be fired at by the army. If, however, the police were left to themselves, they might not have been able to cope with the situation.

Q. When the question whether there should be a let-up in the firing was being discussed, did the Chief Minister or any of the Ministers present express an opinion?

A. I am not suggesting that the decision which I have mentioned above was the decision of the Governor. It must be considered to be the decision of the Government.

Q. Do you remember any of the Ministers having said anything in support of or against a let-up in the firing?

A. I have a faint recollection that the Hon'ble Sardar Muhammad Khan Leghari, the Chief Minister and some

other Minister said that they had received a disquieting report about the firing at the Dalgaran Chowk resorted to by the police that very afternoon. From what they said, I gathered the impression that the Cabinet also wanted that firing should be resorted to only where the police was attacked.

Q. What was the information received about the Dalgaran Chowk incident?

A. The talk that was going on in the Government House meeting when I entered, related to the Dalagan Chowk incident. It appeared that the impression gathered by some of the Ministers was that the police had opened fire for a more or less technical breach of the curfew order on a group of railway labourers. I thereupon pointed it out to Mr. Alam that he might clarify the position because he was the officer in charge of the police party which had opened fire. Mr. Alam's explanation appeared to satisfy the Government.

Q. Then why was the order as to relaxation of firing made?

A. I think pressure was brought to bear on the Government by prominent citizens.

Q. We take it that neither the Governor nor the Ministers were opposed to the order directing a let-up in the firing. What was the attitude of the officers, as

for instance, the Chief Secretary, the Home Secretary, the Inspector-General of Police and the D.I.G. Police?

- A. There was a general discussion in which some of these officers took part, I do not think they were in favour of a let-up in the firing.
- Q. Did you ever have any occasion to complain of lack of cooperation by the military?
- A. No. On the contrary, the only occasion when Mr. Alam in my presence requisitioned a military patrol, it was made immediately available. On another occasion, however, shortly after this requisitioning was made, while coming back after dealing with the situation in the Shahi Mahalla where a Post Office was burnt, we found the military patrol which had gone to the Lohari Gate Police Station, in position there for an offensive but the public were throwing flowers and garlands at the army and their vehicles. We witnessed this incident from a little distance and, I cannot, therefore, say to what extent the military patrol permitted the public to get near them. It appeared to me, however, that they were quite near.
- Q. How did the public get the impression that the military would not fire at them?

A. Because at this very place the entire road and the entire Amarkali Chowk were strewn with brickbats which had earlier been used by the crowd in attacking the police station. The military patrol had gone to the police station at a time when the crowd was there actually throwing brickbats. The military did not; however, open fire.

R.O. & A.C.

Sd/- M. Munir.

PRsIDENT.

Sd/- M.S. Kayani.

18th November 1953.

MEMBER.

Witness No. 115 (Called by Court)

Mr. S.I.Haq, Commissioner, Food and, Secretary

to Government, Lahore, on S.A. -

I was Deputy Commissioner, Rawalpindi, during the disturbances. I left charge of my office on 5th March and was succeeded by Mr. A.A.Ansari.

To Mr. Fazal Ilahi, Advocate, on behalf of the Punjab

Government:

Q. What was the policy followed by you regarding the volunteers leaving for Karachi?

A. We tried to dissuade them as much as we could by persuasion and by bringing other influences to bear on them. Arrangements were, however, made to detain those that left Rawalpindi on route at some outward stations.

Q. Why were they allowed to go?

A. There was intense excitement at Rawalpindi and it was feared that the situation might become worse if they were forcibly detained at Rawalpindi.

Q. Was this policy based on any instructions received by you from Government?

A. The general instructions of Government were that everything possible should be done to prevent the situation from taking an ugly and untoward turn.

In most cases , I think, we were successful in preventing the volunteers from leaving Rawalpindi, but in the case of the odd man that got out, we had him taken out at the outward stations.

The general direction of Government to me was that I should do everything possible not to let the situation deteriorate.

Q. Was this policy of persuading them not to proceed and to detain them at outward stations, based on any definite instructions by Government to take these steps?

A. At this distance of time I cannot say whether there were any express instructions by Government to us to take the steps that I have mentioned above.

Q. Does the following note recorded by your successor for the Court of Inquiry correctly represent what you told him:-

"I had understood that one of the rules adopted by S.P. and my predecessor was to exhaust the finances of the so-called Committee of Action of the All-Muslim Parties Convention, to point out to them that the Provincial Government was not competent to satisfy their demands and they should consequently divert their jathas to Karachi to air their grievances before the appropriate authorities."

A. No.. My successor appears to have misunderstood my explanation to him of the general background of the disturbances. As I was leaving for another job in the midst of the trouble, it was necessary for me to give him some idea of the local situation. I might have mentioned to him that my own feeling was that the Majlis-i-Amsl may not have sufficient finances to carry on the sending of volunteers for any length of time, and that the thing will fizzle out in a few days.

A meeting was convened by the Commissioner, Rawalpindi, after I had handed over charge. I was present at the meeting.

Q. Did you give an appraisal of the situation in that meeting?

A. I must have, but the Commissioner was fully aware of the situation as he was kept informed of the whole thing from time to time.

Q. Did you, while describing that situation, also say that your policy had been not to interfere with the processions and demonstrations?

A. My policy was to treat the matter as a purely law and order problem, and in order not to let the

situation deteriorate, not to interfere with peaceful demonstrations.

Q. Did you also in that meeting say that the orders received the previous evening had modified the situation?

A. Some orders were received and I passed them on to my successor (without looking at them.)

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Q. Did you in any of your daily situation reports expressly state the manner in which you were handling the situation?

A. Yes.

Q. Have you in any of these reports stated how volunteers were being dealt with?

A. I shall have to see the original reports to be able to answer this question.

Q. Did you on 4th March receive any instructions from Government?

A. Government instructions were received on the 4th of March 1953 to the effect that in the first instance batches of volunteers should be dissuaded from proceeding to Lahore and Karachi and that if persuasive methods failed, then appropriate preventive methods should be taken. I, however, handed over charge next

morning.

Q. Did your S.P. convey to you the instructions contained in Ex.D.S. 190?

A. Yes, they must have been.

From the commencement of the agitation I treated it as a law-and-order problem and asked for Government instructions at the earliest possible moment. In fact, I had asked the Commissioner also to secure Government instructions as he was then going to Lahore. We continued to dissuade the volunteers from leaving for Lahore or Karachi and were generally successful. The instructions that action should be taken against the volunteers in case persuasion failed were, according to the copy of the report I have seen here, received on the 4th March. I handed over charge on the 5th March.

Q. Did your Superintendent of Police communicate to you any instructions regarding volunteers on 2nd or 3rd March?

A. He must have.

Q. Did you receive instructions contained in Chief Secretary's letter of 28th February, Ex.D.E./192?

A. Yes. This letter was received a day or two before I left the district.

To Court:-

Q. Do you know Masud Malik, a college student of Rawalpindi?

A. No.

Up to the time I left, it was not brought to my notice that this student was taking a leading part in the agitation.

Q. Apart from the instructions received by you officially, were there any other instructions, oral or written, from any higher authority as to how you were to deal with the situation?

A. I was in touch with the Home Secretary and so far as I remember action to take out the volunteers from the train was taken after he had told me that instructions had issued

asking District Magistrates to take action against the volunteers in case persuasion failed to stop them from moving towards Lahore or Karachi.

To Maulana Murtaze Ahmed Maikash:-

Before I left the district, a stray incident of violence had occurred in Rawalpindi. This was when a car was burnt on the Murree Road, probably on the 4th .

Q. Are you sure that this incident occurred before you left?

A. As far as I remember this incident occurred either a day before or after I left.

Q. Had information, before your departure from the district, been received that there had been firing in Sialkot?

A. I do not remember.

To Mr. Yaqub Ali Khan.-

- Q. Did your Superintendent of Police communicate to you, on 1st March, the orders of D.I.G., C.I.D. that volunteers proceeding to Karachi or Lahore were not to be permitted to do so?
- A. There was a slight mix-up. Certain orders were issued by the Home Secretary and a little later the Superintendent of Police told me that orders, which conflicted with them, had been issued by the D.I.G. It was on this that I spoke to the Home Secretary on the telephone and asked for clarification. The latter had told me that till the clarification was received, the orders issued by the D.I.G. should not be acted upon.
- Q. Did your Superintendent of Police convey to you, on 1st March, any instructions received from the D.I.G., C.I.D., that volunteers proceeding to Karachi or Lahore were not to be allowed to do so?
- A. In the usual course they must have been conveyed to me.
- Q. Is not then the position this that, on 1st March, your S.P. communicated to you the instructions just now mentioned and on 2nd March the Assistant to the Deputy Inspector-General of Police telephoned some more instructions regarding volunteers which were apparently inconsistent with the instructions just mentioned and that it was due to his mix-up that you decided to telephone to the Home Secretary

for clarification?

A. I cannot recollect whether this was the position.

I am, however, quite clear that one of the

instructions required us to use persuasive methods

while the other required us to take firm action.

in case persuasive methods failed. I, therefore,

asked for a clarification from the Home Secretary.

What the Home Secretary told me was that the situation

in Lahore and other places was deteriorating and

that I should not do anything which should create

further difficulties and that I should continue

to use persuasive methods.

Q. Did you, on 2nd March, receive a wireless message

to the effect that on no account were volunteers

to be permitted to proceed to Lahore?

A. I must have received these instructions though I

cannot say whether they were received on the 2nd or on

some subsequent date .

R.O. & A.C.

18th November 1953

Sd/- M.Munir.
PRESIDENT.

Sd/- M.R. Kayani.
MEMBER.

Proceedings adjourned till tomorrow.

18th November 1953

Sd/- M.Munir
PRESIDENT.

Sd/- M.R.Kayani.
MEMBER.

Hon'ble Mr. Justice Muhammad Munir,
Chief Justice President.

Hon'ble Mr. Justice M.R. Kayani, Member.

Mr. Fazal Ilahi, Advocate, assisted by Mr. Ijaz Ali,
for the Punjab Government.

Mr. Fatch Muhammad Aziz, Advocate, for Ahmadiyya
Anjuman-i-Ishtak-i-Islam.

Mr. Bashir Ahmad, Advocate, assisted by Messrs
Asadullah Khan Abdur Rahman Khadim and Ghulam
Murtaza, Advocate, for Sadr Anjuman Ahmadiyye
Rabwah.

Mr. Mazhar Ali Azhar, Advocate, for the Majlis-i-Ahrar.

Mr. Yaqub Ali Khan, Advocate, assisted by Mr. Said Akbar, Advocate, on behalf of Mian Muntaz Muhammad Khan Daultana.

Maulana Murtaza Ahmad Khan Maikash, Member, Majlis-i-Amel, in person.

Mr. Said Malik, Ameer -i-Jama'at-i-Islami, in person.

Witnesses No. 116 (Called by Court):

Mr. Masood Mallick, student of Fourth Year, Government College, now a detenu under the Punjab Public Safety Act, confined in the Central Jail, Lahore, on solemn affirmation:-

Q. In your habeas corpus application to the High Court you expressed a desire to make a statement before the Court of Inquiry. Have you anything to say on the terms of reference on which this Court is required to report to Government?

A. I was in Rawalpindi from 2nd March to the date of my arrest on 9th March. Batches of volunteers left Rawalpindi for Karachi up to 5th March. During this period, there was no disorder and interference with the volunteers. On the evening of 5th or the morning of 6th March, the local Majlis-i-Amal of Rawalpindi announced that there would be gatherings in Jamia Masjids and that, after the prayers, they should come out and organise themselves into a procession which was to go to the Liaquat Garden. This procession was to remain quiet and peaceful. This was organised in honour of men who had been killed in Lahore. In accordance with these arrangements people collected in the Main Jamia Masjid after Friday prayers. The number was forty or fifty thousand. The procession left the Jamia Masjid and reached the Liaquat Garden without any serious happening. I was in that procession. I noticed that seven M.L.As.

from the Muslim League were sitting on the dais including Sh. Masood Sadiq. There, Maulana Arifullah, the President of the Majlis-i-Amsl, read out a pledge which had been drafted by the Majlis-i-Amsl. The pledge was to the effect that people should subscribe to and sacrifice their all in the cause. A large number of people subscribed to this pledge, including some M.L.As, whose names I do not know. The crowd cheered as people were signing the pledge. Thereafter Sayyed Mustafa Shah Gilani made a pledge. He first praised Mr. Daultana and then said that he supported the demands. Thereafter he began to condemn Khawaja Nazim-ud-Din, using some ridiculous epithets. There were some more speeches and then the meeting dispersed and divided itself into groups which began to indulge in loot and arson. In the evening, I heard a group of people shouting slogans that Khawaja Nazim-ud-Din was the murderer of Khan Liaquat Ali Khan. During the night of the 6th, there were some incidents of burning private property. No order under section 144, banning the processions, had till then been passed. Nor were any arrests made till that night.

On the 7th March, the Majlis-i-Amal announced that there would be a general strike in Rawalpindi until the demands were conceded.

On the 8th morning, there was a proclamation by the Majlis-i-Amal that six thousand people were crushed under military tanks in Lahore. Hearing this, I came out of my house and saw some students of my college in the mob. The office of the Majlis-i-Amal is near my house and there was a large gathering of people outside it. I found that a party of men had surrounded a vehicle of the Punjab Transport. Two other students and myself warned the crowd that, if they were to behave in that way, it would be injurious to the interests of the State. Thereupon the crowd refrained from setting fire to the vehicle. I then went to the office of the Majlis-i-Amal to ask them to dissuade the Public from behaving in the manner in which I had seen them. I however, found no one inside the office, except one Maulvi, who told me that a meeting of the Majlis-i-Amal was going to be held in the Jamia Masjid. Thereupon, I sent two students to the Jamia Masjid to bring the members of the Majlis-i-Amal, who were organising these demonstrations, to the office. At this stage, I saw a bus of Himalaya Transport, which was

about to leave for Lahore, being surrounded by a mob. The bus was full of passengers. By this time, the mob had considerably increased in view of the earlier proclamation. When the crowd collected, I addressed them. I told the people that they should refrain from indulging in disorder and lawlessness and warned them that, if they behaved in the manner they had actually done, Government would be compelled to use force and that this would be injurious to the cause of the demands. By now, the two students, whom I had sent to the Jamia Masjid, had returned. They brought the message that the members of the Majlis-i-Amal could not come to the office because they were engaged in holding a meeting. There was a hotel belonging to an Ahmadi situate near the office of the Majlis-i-Amal. This was set on fire. Seeing this, I consulted the two students as to what we should do. We decided to divert the mob to the Jamia Masjid where an appeal for law and order should be addressed to them. Accordingly, we left in a procession for the Jamia Masjid. I was leading that procession. When the procession passed by the hotel that had been burnt, Sh. Masood Sadiq arrived in a car. I told him that he had signed the pledge and was responsible

for the position that had developed and that now it was up to him to deal with the situation. He said that the matter was being discussed at a meeting of the Muslim League and he was going to attend that meeting. On this, some men attempted to set fire to Sh. Masood Sadiq's car. I again addressed to mob and told them that I had decided to lead them because of the promise that they had given me to behave. Shaikh Masood Sadiq smiled and drove away in his car. The procession then turned towards Raja Bazar. In the Raja Bazar Chowk there was a large number of policemen. I was in a tonga. The S.P. came out and asked me where the procession was going to. I briefly apprised him of the situation and spoke to him over the microphone, advising him to stop the proclamation that was at that moment being made and to contradict through the loudspeaker the news that six thousand men had been crushed under tanks in Lahore. I also informed the S.P. that the procession was peaceful and there was no order under section 144. On this, the S.P. asked me to hand over the microphone to him. I complied. Just then, a man, in civilian clothes,

appeared and made an announcement that, if the mob did not disperse within five minutes, he would to lethi- charge. Immediately after the announcement, a lethi- charge bombs was made and tear-gas/thrown. I was the first to be hit and wounded with a stick. After this, I returned to my house. I attended the college on the following day where I was arrested. I understand that my Principal, Mr. Ghulam Ahmad, who is an Ahmadi, was responsible for my arrest.

I am alleged to be a communist. I was taken to the Kotwali where a police officer questioned me regarding my belief in Khatm-i-Nabuwwat. I said that belief in Khatm-i-Nabuwwat was an articles of faith with every Musalman. I was then taken to the Jail where I was kept in "B" class for two days and subsequently put in a solitary cell.

Q. Is there a case of attempted murder or attempted decoity pending against you in Court?

A. There is a case pending against me under certain sections but I do not know what those sections mean.

Q. How many times have you appeared in Court in this case?

A. Three or four times.

Q. What is the allegation against you in this case?

A. As far as I know the allegation is that I took part in loot and that I led out a procession.

Q. Is it not alleged against you that you attempted to kill some one?

A. Yes. There is this allegation against me.

Q. How far is the office of the Majlis-i-Amal from Raja Bazar?

A. Fifty or sixty yards.

Q. And how far is the Jamia Masjid from Raja Bazar?

A. Two furlongs.

Q. If you go from the office of the Majlis-i-Amal straight to the Jamia Masjid, does Chowk Raja Bazar fall on the way?

A. No.

Q. Would the Superintendent of Police be prepared to support you in your version?

A. I do not know.

Q. Has he any particular ill-will against you?

A. - He is a friend of my Principal who is an Ahmedi.

I am vice-president of the college union and this union made some representation to the University against the behaviour of the Principal. The union has now been dissolved because the secretary was sent on "compulsory leave" for a month by the Principal and I was arrested.

Q. Have you been rusticated from the college?

A. No. I have also been given a month's "compulsory leave".

Q. Did the Deputy Commissioner see you leading a procession?

A. I do not know him. He was a new arrival in the district.

Q. Have you any reason to believe that the Deputy Commissioner had any personal grudge against you?

A. If he says anything against me, he must have been influenced by the Superintendent of Police or the Principal.

Q. You have said that nothing untoward happened up to the afternoon of 6th March. How far is Murree Road from your house?

A. About three furlongs.

Q. Was not a private car burnt on the Murree Road
on the 4th?

A. I do not know.

Q. When was information received at Rawalpindi that
the demands had been accepted by the Punjab
Government?

A. I do not know.

Q. How many cases of arson occurred on 6th?

A. I cannot say.

Q. What happened on the 7th?

A. I did not come out of my house on that day.

Q. Was a boy murdered on 7th?

A. I do not know.

Q. Were there any attacks on policemen in Rawalpindi
on 7th?

A. I do not know.

Q. Was there a moulvi in the procession which you were
leading on 8th?

A. I do not know.

Q. Do you know Moulvi Abdul Quddus Qudsi?

A. I know him now because he is in jail. On 8th March

I did not see him in the procession.

Q. Was there firing on 8th?

A. I did hear the reports of some gunfire. This firing

was on another mob which was coming from Dhok Ratta

and not on the one in which I was.

Q. Do you know how many casualties occurred in that firing?

A. I do not know.

Q. Did you see Maulvi Muhammad Ishaq Manshrvi during the disturbances?

A. I have never seen him.

Q. Were any processions taken out by women?

A. I did not see any.

Q. Did you hear that telephone wires were cut on 7th?

A. I do not know.

Q. Was the Kotwali besieged on the 8th?

A. I do not know.

Q. Were you anywhere near the Kotwali on the 8th?

A. The Kotwali is near the Raja Bazar.

To Mr. Bashir Ahmad, Advocate, on behalf of

Sadr Anjuman Ahmadiyya, Rabwah;

Q. Since when has Mr. Ghulam Ahmad been the Principal of the College?

A. He has been there for the last two years.

Q. Where does he come from?

A. I do not know.

Q. Have you ever had any religious discussion with him?

A. Yes. I once questioned him, and he told me that he was not a Qadiani, by which I understood him to mean that he did not belong to the Qadian section of the Ahmadis.

To Court:-

Q. Do you know anything about religion?

A. I know as much as a Musalman should know.

Q. Are you expecting a Mehdi or a Messiah?

A. Yes.

Q. Have you read any book on communism?

A. I have read some literature on the subject, including some books and pamphlets. I borrowed a copy of Marx from our library, but I could not understand it.

Q. Do you understand what kind of State Russia is?

A. It is a socialistic State.

Q. What is a totalitarian State?

A. I have heard this word, but I do not know its meaning.

Q. Do you want an Islamic State in Pakistan?

A. Yes. ✓

Q. Will that be a totalitarian State?

A. How can I answer this question when I do not know the meaning of the word "totalitarian"?

Q. Will you let other people think in an Islamic State?

A. Yes.

Q. Do you believe that students should take part in politics?

A. They should not take part in active politics, but they should try to understand the conditions of the country.

To Mr. Yagub Ali Khan, Advocate, on behalf of

Mr. Daultana.

Q. Is it true that you were engaged in your studies

throughout untill the day of your arrest, except on the 8th of March?

A. Yes, that was the only day when I did not study.

I joined no procession on any other day, nor did I accompany any processions to the railway station. On the 6th, I said my Friday prayers in the Jamia Mosque and on the 8th, as I have already stated, I addressed the crowd. After the Friday prayers I did accompany the procession on the 6th March. I did not see any volunteers leaving Rawalpindi.

R.O. & A.C.

19th November 1953.

Sd/- M. Munir:
PRESIDENT.

Sd/- M.R. Kayani.
MEMBER.

Witness No. 117 (Called by Court):

Mr. Muhammad Ibrahim Ali Chishti, Deputy Secretary, Department of Islamiat, Punjab Government, on solemn affirmation:-

I produce my written statement, dated 18th November, 1953,
Ex.D.E./193..

Q. When did you join the department?

A. At the end of the year 1951, probably in September or
October..

Q. What were you before that?

A. I was not in Government service before that, but much
earlier, namely, from 1942 to 1946, I was Provincial
Secretary of the Punjab Communal Harmony Movement.

Q. What were your duties in the Department Islamiat?

A. I was Deputy to the Secretary of the Department of Islamiat.
In theory, my duties were to assist the Secretary whenever
and wherever he required my assistance. In practice, these
duties consisted of advising him on academic matters that
came for the consideration of the department, such as,
purchase of Islamic books from foreign countries, or the
policy to be pursued in the reprinting of Islamic books
or to advise the Secretary in accepting notes of
lectures that were to be delivered by lecturers in jails,
schools and colleges.

Q. Who was the Secretary?

A. During my period of service, Mir Sayyad Nur Ahmed, Director of Public Relations was the Secretary of the Department of Islamiat, who was also the controlling and disbursing officer of the department.

Q. What were the relations of the Department of Islamiat with the press?

A. There were no direct relations with the press, except that, when the department came into being, for a period, we published certain articles in the press explaining the aims and objects of the department.

Q. Did the department or any one of its employees contribute any articles to the papers?

A. Some time the Director of Public Relations, who was my Secretary, did require me to correct certain articles for him or to write certain articles on the basis of the hints or the summary that he supplied to me, but that was not in connection with the Department of Islamiat but for his own use, as Director of Public Relations.

Q. What was the general nature of those articles which you were required to write or compile for the Director?

A. They were generally in the nature of an explanation of the Punjab Government's policies, or in defence of Punjab

Government in controversy or in support of some scheme that the Government was undertaking.

Q. Were they published by the Director in his official capacity in the newspapers?

A. I was not concerned with the manuscripts after I had delivered them to him, but, as far as I know, he dealt with them in his official capacity as Director.

Q. Do you remember having ever written or corrected any article for the Director which was not published in his official capacity but under a pseudonym?

A. As I have said, I was not following the manuscripts after I handed them over to the Director, but even the articles which he sent in his official capacity to the press were not officially published under his name. They were some time published under the name of the original writer and some time under a pseudonym as far as I remember.

Q. You have not answered the question. Were any of the articles just mentioned published in the papers under a pseudonym?

A. I cannot give you the particulars of any such article now.

Q. Do you remember if you assisted in the writing or in the preparation of an article which was on a religious subject, as for instance, Khatm-i-Nabuwwat or Ahmadism?

A. I do not remember any article which was directly on any religious topic or which included the Khatm-i-Nabuwwat or

Ahmadiyyat, but after the disturbances consequent upon the Juma-tul-Wide in 1952, for a time, the Punjab Government had published certain articles defending the imposition of section 144 in the mosque, and some of the articles on this imposition and law and order did contain certain religious arguments, if that can be called a religious trend.

Q. Who selected the persons, who were to speak at the schools, colleges and jails?

A. There was a list first approved by the Secretary. While preparing this list, the Secretary also gave an idea which of the speakers were to be used on how many occasions. Keeping in view these considerations, I used to select speakers for particular institutions in conformity with a roster-register.

Q. Was the draft of the lecture to be approved by anybody?

A. Yes. I used to approve it.

Q. Was any record kept of the substance?

A. Yes. It was kept with a regular personal file of every speaker and it must be there in the office even now.

Q. When did the anti-Ahmadiyya movement begin in right earnest?

A. I am afraid, I cannot answer this question.

Q. When was All Muslim Parties Convention held in Lahore?

A. I do not know.

Q. Had you become conscious, after July 1952, that the Ulama and other preachers had started giving undue prominence to differences between the Ahmadis and the general body of Muslims?

A. I did become conscious of the prominence that they were giving to the issue, but whether it was due or undue was beyond the scope of a Government servant.

Q. The Court supposes that you read all the articles that were published in the papers from time to time on this subject?

A. I was a reader of newspapers and as such I read articles on this subject.

Q. Did you ever come to hear of the Majlis-i-Amal?

A. Yes. Almost every day.

Q. Did you come to know the names of the members of the Majlis-i-Amal?

A. Yes and particularly some of those as were co-operating with the department.

Q. Did you, after these persons had declared themselves to be members of the Majlis-i-Amal, consider it right to extend Government patronage to them?

As I have said, the patronage was extended to them not by me but under the policy of the Punjab Government and by my superior officers and, as far as I am personally concerned, I did not see any thing wrong in taking academic help from people whose other activities went beyond the academic sphere.

When were the the three demands formulated to your knowledge?

I am not sure.

4. After you came to know that the Majlis-i-Amal was demanding the removal of Chaudhri Muhammad Zafarullah Khan and other Ahmadis in key positions of Government and that Ahmadis be declared a non-Muslim minority, did you consider it right to extend Government patronage to the members of the Majlis-i-Amal?

5. As I have already stated, this patronage was not extended to these people by me, but, as the Court wants to know my personal opinion, I hesitate to answer the question, because it will have some political import, which, I think, as a Government servant, I should not touch. Now, that the Court further wants to know my opinion if the patronage was to be extended to persons by me as a Government servant, my answer is that, as a Government

servant, I would not extend such patronage.

The list of persons who were to deliver lectures in the various institutions I have mentioned was prepared by mutual consultation among the Secretary, the members of the board and myself.

Q. Did anyone initiate the case with a list of names?

A. The list was prepared after a decision had been taken in the meeting.

Q. Should we take it that you never prepared a list of the persons who were to be entrusted with this work or proposed the changes that became necessary in the personnel of the speakers?

A. I never did so before the meeting.

Q. What were the academic matters in which you advised the Secretary?

A. Selection of Islamic books for purchase from foreign countries as well as from the markets of the country, approval of the notes submitted by lecturers who were to speak at jails and colleges and arrangements for reprinting Islamic books.

Q. Did any of the books purchased touch any controversial issue?

A. There were some such books,

Q. Who were the members of the Majlis-i-Amal who came in contact with your department?

A. I can give the name of Maulana Abul Hasnat with certainty but I cannot be sure about others.

Q. Did persons who were invited to speak at public meetings submit to your department the substance of their lectures?

A. Yes.

Q. In advance?

A. Yes.

Q. In writing?

A. Yes.

Q. Did Maulana Badayuni submit to you the substance of the speech that he made at Scharat-un-Nabi celebrations in 1952?

A. He was invited on a special occasion and in such cases the speaker was not expected to give a substance of the lecture he intended to deliver,

Q. Were you present when Maulana Badayuni made his speech?

A. Yes.

Q. Did he in his speech raise any controversial issue?

A. Yes.

Q. Was not his speech directed against the Ahmadis?

A. He concluded his speech with his views on

Khatm-i-Nabuwwat.

Q. Were any persons who dealt with the Department of Islamiat arrested in connection with these disturbances?

A. Yes. I can mention some names. Maulana Abul Hasnat, Maulana Tarannam and Qazi Muirid Ahmad were some of them.

Q. Did you ever know that some of the persons who were dealing with the Department of Islamiat made public speeches against Ahmadis and Ahmadiyyat?

A. Yes, I do know it.

Q. Who were they?

A. Maulana Abul Hasnat, Maulana Tarannam, Qazi Muirid Ahmad, Maulana Muhammad Bakhsh Muslim and Maulana Ghulam Did. In fact every Alim was making speeches against Ahmadiyyat in those days.

Q. Did you in your personal capacity contribute any article to the newspapers on the question of Khatm-i-Nabuwwat?

A. I never contributed a single article on any subject in my personal capacity after I joined service.

Q. What other capacity have you?

A. That of Deputy Secretary to the Department of Islamiat.

Q. Did you in your latter capacity contribute any article on Khatm-i-Nabuwwat or in regard to the demands made in respect of the Ahmadis?

A. Never.

Q. Did you contribute to any paper under any pseudonym?

A. Not after I joined service.

Q. Did you in your latter capacity contribute any article to the "Zaminder" under the name of "mufakkir" and "mubassir" after you joined service?

A. No. After I joined service, I never contributed any article to any newspaper either in my name or under a pseudonym. Of course I have stated that some articles which were eventually published had been corrected or written by me for Mir Nur Ahmad. No article was ever written or corrected by me for Mir Nur Ahmad having reference either to the demands or to the doctrine of Khatm-i-Nabuwwat.

To Mr. Fazal Ilahi on behalf of the Punjab Government:-

Q. Is Ex.D.E.194 the record of the proceedings

of the meetings of the Board of Islamists

known as "Majlis-i-Mashawarat"?

A. Yes.

Q. Please look at Ex.D.E.194 and say whether

it contains the record of any meeting held for

the purpose of selecting lecturers or speakers?

A. No. The procedure was that as far as decisions in principle were concerned, they were recorded in the proceedings of the Advisory Board but where the advice of the members concerned the day-to-day working of the department or to particular undertakings, it was moved in administrative notes.

To Court:-

Q. Was there a record of the meetings held for the purpose of selecting lecturers or speakers?

A. Yes. There was a regular file but it was not kept in the form of proceedings of the Board. It consisted only of the list of speakers who were approved.

Q. What was the name of the file?

A. "Policy file for lecturers".

Q. Will that file disclose particulars of the policy that was to be followed?

A. Most certainly. There will be a brief mention of

the policy that the department was pursuing.

To Court:

Q. Were any minutes prepared of the decisions taken at the meeting for the selection of speakers?

A. No. regular minutes were prepared but rough notes of the decisions taken were made, and later a list, which I have described as the approved list, was prepared on the basis of such notes. That list always used to be approved by the Secretary in writing.

Q. Are those rough notes in existence?

A. They were destroyed when the approved list was prepared.

Q. How will the Court satisfy itself that what you called the approved list was not originally prepared by you alone and subsequently approved by the Secretary?

A. Firstly, by asking the Secretary himself; secondly, by looking into my proposal note, which will always reveal that the list was the result of a discussion held earlier with the Secretary.

Q. Is there any record in your office to show that such meetings were attended by certain members of the board?

A. No.

Q. Is there any record to show that the agenda for such meetings was previously made and circulated?

A. As I have already explained, the selection of speakers was not part of the regular minutes of the Advisory Board; but, as far as agenda and attendance of members of the Board is concerned, there is a regular record.

Q. You have not answered the question. The question is whether there is any record in your office to show that regular meetings for the selection of speakers were held after notice to members of the board and that certain decisions were taken in that meeting?

A. No, because selection of speakers was not part of the formal duties of the board but was only undertaken as a practical measure.

To Mr. Fazal Ilahi, Advocate, on behalf of the

Punjab Government:

Q. I put it to you that in fact there were no regular meetings in which speakers were selected and that what happened was that you nominated

certain persons, while Mir Nur Ahmad nominated others, and these names were made into a list?

- A. If you mean that the discussion about the selection of speakers was not a part of the formal duties of the board, then you are correct; but if you mean that as a fact such consultation was not held, you are wrong, and as far as the latter part of the question is concerned, that is a false insinuation.

To Court:

- Q. Can you give the names of any members of the board in whose presence selection of speakers was made at a meeting?

- A. Maulana Abul Hasnat Muhammad Ahmad and Mufti Muhammad Hasan.

- Q. Please refer to the register and say on which date did Maulana Abul Hasnat Muhammad Ahmad take part in the selection of speakers and on which date did Mufti Muhammad Hasan take part in the selection of the speakers?

- A. From the register I can only tell you whether these two persons did or did not attend a meeting of the

board, but there is nothing either in this register or in any other record to show that on a particular date certain speakers were selected at a meeting of the board. But as it appears to me that the Court is suspecting the accuracy of my statement about the meeting in which speakers were selected, I will give a list of the speakers who were selected at the particular recommendation of members of the board. For instance, Maulana Ghulam Din, Maulana Tarannem and Maulana Khadim Hussain were all suggested by Maulana Abul Hasnat for inclusion in the approved list.

Q. From time to time or in one meeting?

A. All these names were given in one meeting.

Nominations were made from time to time after discussion with members of the board in the meetings.

To Court:-

Q. Was the main list prepared only one occasion?

A. Yes, but it was added to or modified from time to

time.

Sd/- M. Munir

PRESIDENT,

19th November 1953.

Sd/- M.R. Keyani.

MEMBER.

Adjourned to Tuesday, the 24th November 1953,
when cross-examination of this witness will be
continued.

Sd/- M. Munir.

PRESIDENT,

19th November 1953.

Sd/- M.R. Keyani.

MEMBER.

PRESENT:

Hon'ble Mr. Justice Muhammad Munir,
Chief Justice, President.

Hon'ble Mr. Justice M.R. Kayani, Member.

Mr. Fazal Ilahi, assisted by Mr. Ijaz Ali, for
the Punjab Government.

Mr. Fateh Muhammad Aziz, Advocate, for the
Ahmadiyya Anjuman-i-Ishe'at-Islam.

Mr. Asadullah Khan, Advocate, assisted by Messrs.
Abdur Rahman Khadim and Ghulam Murteza
Advocate, for the Sardar Ahmadiyya
Rabwah.

Mr. Mazhar Ali Azhar, Advocate, for the Majlis-i-
Ahrar.

Mr. Yaqoob Ali Khan, Advocate, for Mian Mumtaz
Muhammad Khan Daultana.

Maulana Murteza Ahmad Khan Maikash, Member Majlis-
i-Amal, in person.

Mr. Irshad Ahmad, Member, Jama'at-i-Islami, in
person.

Witness No. 117 (Called by Court, continued):-

Mr. Muhammad Ibrahim Ali Chishti, Deputy Secretary,

Department of Islamiat, Punjab Government, on solemn

affirmation (continued):-

To Mr. Fazal Ilahi:-

Q. At the last hearing, you said that the list of speakers

was put before the members of the Board and their approval obtained. Now I put it to you that the list of lecturers was prepared by you and placed before Mir Nur Ahmad without the names of the lecturers being approved by the Board?

A. As I explained at the last hearing, the selection of the names of speakers was discussed informally among the Secretary, members of the Board and myself and on the basis of such consultation and, taking the sense of such consultation into note, I prepared a formal administrative proposal and put it up to the Secretary for approval in writing. Therefore, the version given in your question is not correct.

Q. When did you discuss the names with the Board; at the meeting of the Board?

A. As I have repeatedly mentioned at the last hearing, the names were not put to the Board ^{but} discussed with the members of the Board.

Q. I put it to you that the list of the lecturers was prepared on 24th October 1952 after you fully knew the activities of the speakers in connection with the Tahaffuz-i-Khatm-i-Nabuwwat movement and also despite the fact that some of the speakers selected were members of the Majlis-i-Amal?

A. I am not sure about the date or month on which the list was prepared. Nor am I sure about the names of lecturers who were included in the list. Therefore, I cannot say whether the name of any person, who had taken any active part in the Tahaffuz-i-Khatm-i-Nabuwwat movement, was included in the list.

TO COURT:

Q. Is Ex.D.E. 195 the original list?

A. This is part of the original list.

Q. Was there any other list in which the names of the speakers were mentioned?

A. Yes, there was.

Q. Does not Ex.D.E. 195 contain the names of seventeen lecturers?

A. It does.

Q. Did the name of any one of these seventeen lecturers occur in any other list prepared by you or by anyone else in your department?

A. I cannot answer this question unless I see the whole file.

Q. Please look at the file and answer this question after you have examined it?

A. I have now seen the file. Some of the names of

the proposed lecturers appear at page 7, where it is stated that certain persons were delivering lectures and that they had been selected earlier for the purpose.

(Note:- Out of the names of seventeen persons mentioned in Ex.D.E.195, the names of four persons, namely, Maulana Muhammad Bakhsh Muslim, Maulana Ghulam Din Sahib, Qazi Murid Ahmad Sahib and Maulana Ghulam Muhammad Tarannum, are mentioned at page 7 of the file as those of lecturers selected for the purpose. Against Ghulam Muhammad Tarannum, there is a note that his name was disclosed by the Deputy Secretary, and on the margin of page 7 of the file there is a note by the witness himself:

سوائے محمد امین کے باقی ناموں کے تہیق اگر یہ کیا جاتا ہے مجبوراً
ہیں تو میرے غریب کے زیادہ قریب ہوتا ہے

The witness states that the marginal note is merely a copy of the original which exists at page 1 of another file and which is admitted by the witness to be in his handwriting.)

Q. What did you mean when you remarked that these names were merely "mujawwaza"? who had proposed these names, yourself or somebody else?

A. I can answer this question only after seeing the file.

Q. Please look at the file and answer this question?

(The witness looks at the file and says that this file

has been re-arranged, but he makes no further answer.)

Q. Does not Ex.D.E.195 show that these seventeen names were proposed by you to the Secretary without any reference to members of the board?

A. The list does show that the names were proposed by me, but it does not say that I did so without earlier consultation.

(Note:- The relevant part of the exhibit reads

thus:
 ”کیا اس کی فہرست میں جو نام مہل انیس سیکریٹری طلب
 منظور کر چکے ہیں ان کے علاوہ مزید ذیل نام منظور کیے جائیں“

Q. Are you now sure that this list was prepared on 24th October?

A. Yes. It was consolidated on the date mentioned.

Q. Please look at the list and name those persons who were members of the provincial or central Majlis-i-Amal?

A. Hafiz Kafayat Hussain, Maulana Muhammad Bakhsh Muslim and Maulana Abul Hasenat are the only three persons about whom I can say with certainty. ✓

Q. Are you not sure about Maulana Daud Ghaznavi?

A. Yes. He also was a member of the Majlis-i-Amal, but I am not sure whether he was a member of the Majlis on the date when the list was prepared. ✓

Q. And what about Sahibzada Faiz-ul-Hasan, Maulana Ghulam Muhammad Tarannum and Maulana Ghulam Din?

A. They were taking part in the agitation but I do not know whether they were members of the Majlis-i-Amal.

Q. Did the activities of any of these seventeen persons in relation to Tahaffuz-i-Khatm-i-Nabuwwat come to your notice before the date of the list?

A. Yes; of many of them.

To counsel continued:-

Q. Did you or did you not know that Qazi Murid Ahmad, Maulana Muhammad Zahir, Maulana Salim Ullah, Sahibzada Faiz-ul-Hasan, Maulana Ghulam Din and Maulana Ghulam Muhammad Tarannum were taking part in the Tahaffuz-i-Khatm-i-Nabuwwat movement?

A. Yes. Most of these persons were taking part in the movement.

Q. Was this the first occasion when lecturers for schools and colleges were proposed and the proposals on earlier occasions were confined to lecturers for jails only?

A. The very first page of the file would show that some lecturers for schools and colleges were proposed in December 1951. I, however, find that

the whole of this file has been re-arranged.

To Court:-

Q. In what respect has this file been re-arranged?

A. The immediate reason for this suspicion is that the first proposal about the lectures of Sheikh Amin is to be found only in copy, not in original.

To counsel continued:-

Q. Did Syed Akhlaq Hussain, Bar-at-Law, whose name is included in the list, ever deliver any lecture ?

A. He never agreed to be included in the list. In fact when he was informed of the inclusion of his name in the list, he stated that he was too busy and could not accept the nomination.

Q. Was Amir Bakhsh Pehlwan one of the lecturers selected for speaking at the jails?

A. Yes. He was selected for imparting physical education and knowledge of elementary religious matters to young prisoners in the Borstal Jail.

Is Ex.D.E.196 the photograph of Amir Bakhsh Pehlwan?

Yes.

Q. Does it not appear to be the photograph of a wrestler?

A. I cannot say whether in the photograph Amir Bekhsh appears to be a wrestler but I do know that he used to be a wrestler.

Q. Was the the imparting of physical education to prisoners in jails a part of the programme of the Department of Islamiat?

A. When we discussed the subject of delivering lectures to young prisoners of the Borstal Jail, the Superintendent of the Jail at the time suggested that learned speeches about Islamiat would not be understandable by young minds and, therefore, it would be better if we confined ourselves to matters of hygiene and physical culture along with elementary Islamic knowledge.

To Court:-

Q. How many other persons to impart physical education were selected by the Board?

A. There is only one institution of young interness, i.e. the Borstal Jail, and even that institution has two classes of interness, of young age and of maturer age. Therefore only one lecturer was employed for the purpose.

Q. Was any note ever recorded in your office accepting the Superintendent of Jail's suggestion?

A. No. The matter was ^{just} discussed by me when I visited the institution.

Q. Did the jail authorities complain that Amir Bakhsh Pehlwan was not a suitable person to deliver lectures at the jails?

A. As is apparent from the letter at page 8 of the file, the complaint is not against Amir Bakhsh Pehlwan alone but also pertains to Mirza Ahmad Ali who is a scholar of admitted status. The complaint was made in the interests of the persons whom the jail authorities intended to be employed for the purpose.

Q. I put it to you that Amir Bakhsh was employed as a lecturer because he was your family masseur?

A. No. The suggestion is wholly unfounded.

To Court:-

Q. Did you ever see this wrestler with your father?

A. Yes. He was known to my father and used to visit him, but not as a masseur.

Q. Is Amir Bakhsh Pehlwan a literate person?

A. No.

To counsel contd:-

Q. Was Amir Bakhsh Pehlwan paid a sum of Rs. 1350/- from 17-3-1952 to 29-3-1953?

A. I only know that he was paid Rs. 25/- per lecture including his tonga fare from Ravi Road to the Borstal Jail and back.

Q. Does the record of payments to this Pehlwan show that they were made for the services rendered by him as a physical instructor?

A. He was not a physical instructor, but a lecturer and even his education about physical culture was in the form of spoken words.

To Court:-

Q. Will there be a note anywhere that the payments were for the services mentioned by you?

A. No, but a part of the duties of this Pehlwan was to deliver lectures on elementary Islamiet.

- Q. How did this Pehlwan make himself so competent in religious matters when he is wholly illiterate?
- A. I am not aware of his process of education, but he was recommended to me by Mr. Muhammad Amin, Barrister-at-Law, who has only recently been on missionary work in Germany on behalf of the Speaker of the Constituent Assembly, as a man who had done regular missionary work before Partition.
- Q. What did Mr. Muhammad Amin say about this wrestler?
- A. Mr. Muhammad Amin said that when he was converted to Islam, this wrestler did missionary work with him on all India tours for quite ^a long period.
- Q. When you personally knew this wrestler, why did you accept the recommendation of Mr. Muhammad Amin on its face value?
- A. Because my knowledge of the man was not against the recommendation made by Mr. Muhammad Amin.
- Q. How many other lecturers were selected ^{by} the Department of Islamiat on such recommendations?
- A. None else.

To counsel (continued):-

- Q. You have stated that you used to write or correct articles for your Director, Mir Nur Ahmad, Did you receive any payment for this work?
- A. Not after I joined service.

To Court:-

Q. Was any article, written or corrected by you for Mir Nūr Ahmad, ever published in the "Afaq"?

A. Yes.

Q. Did it have anything to do with the doctrine of Khatm-i-Nabuwwat or Ahmadiyyat?

A. I have already answered this question in the negative.

To counsel (continued):-

Q. Is it true that from April 1951 to August 1951, the Department of Public Relations was paying you a sum of Rs. 800/- per month for writing articles?

A. I am not sure about the dates. Nor was I ever employed by that Department on any monthly rate; but it is correct that I was writing and correcting articles for the Director of Public Relations and as such receiving substantial payment, because my rate was high.

To Court:-

Q. Was it a private payment or a payment by the Department?

A. The payment was by the Department.

To counsel (continued):-

Q. Did you from March to August 1951 ever write any articles in the name of mubassir?

Q. As far as I recollect, I never wrote any article under any particular name, but merely prepared manuscripts and handed them over to the Director.

Q. Were they published in the name of mubassir?

A. I cannot be sure.

Q. Is it possible that an article, written by you and lent to some one for publication, should not be known to you when it is published?

A. The articles were published, but I am not sure whether they were published under the name of mubassir.

Q. Was this article, Ex.D.E/197, published in the "Zaminder" dated 2nd April 1951, written by you for Mir Nur Ahmad?

A. It was not one of the articles written by me, but it was one corrected by me substantially.

Q. Do you know if any person, other than yourself, ever wrote under the name of mufakkir ?

A. After I joined service and stopped writing under this pseudonym, certain articles appeared in the "Zaminder" under this name and I asked its editor why he was allowing this name to others. What he told me was that the brother of Maulana Zafar Ali was using this name.

Q. Is it because you used to write or correct articles for Mir Nur Ahmad that you were employed as Deputy Secretary

the Department of Islamiat?

No. My appointment was made on merits. I was appointed by His Excellency Sardar Abdur Rab Nishtar.

Was this article, Ex.D.E/198, published in the "Zamindar" dated 6th March 1952, written by you ?

No. This article was never written by me.

Is it true that you were, in fact, contributing articles to newspapers relating to Tahaffuz-i-Khatm-i-Nabuwwat and that Mir Nur Ahmad reprimanded you for that?

The allegation is entirely untrue.

Do you know that several articles in the name of mufakkir or mubassir were published in newspapers relating to Tahaffuz-i-Khatm-i-Nabuwwat?

I know generally that certain articles in the name of mufakkir or mubassir were appearing after I joined service, but I do not know if any one of them related to the anti-Ahmadiyya agitation.

Do you know if there was any other person writing in the name of "mubassir"?

I know that somebody was using this name, but I do not know who he was.

Look at these articles, Exs.D.E, 199 and 200, published in the "Zamindar" of 19th and 20th July, 1952, in

the name of "mufakkir", and Ex.D.E.201 published in the "Zamindar" of 31st August 1952, in the name of "mubassir". Did you write any of these articles for yourself, or write or correct anyone of them for Mir Nur Ahmad?

A. I have already answered this question in the negative

Q. Did you translate and publish in July 1952 Allama Iqbal's pamphlet on Ahmadism?

A. No. As shown by the article itself, published in the "Zamindar" of 15th July 1952, the translation was by the editorial staff of the paper;

Q. Did you ever translate that pamphlet?

A. No, I did not translate the pamphlet but I corrected one for Mr. Shibli;

To Court:-

Q. How will you translate Iqbal's "Ego"?

A. It will so much depend upon the context in which the word is used, but generally the word might be translated as "nafs" or "khudi".

Q. How will you define these two terms generally?

A. "The essential connotation and denotation of a personality" (kisi shakhsiyyat ke bunyadi lawazimat).

Q. What is Iqbal's conception of the relation between

Ego and God?

- A. That it is not one in existence with God (وحدت الوجودى قائم)
but capable of realising and understanding God in constant
development.

Q. What is Iqbal's view of anthropomorphism?

A. I do not understand this word without reference.

Q. Is not anthropomorphism a method of describing
Allah?

A. I cannot answer this question as I do not understand
the word "anthropomorphism".

Q. You connected a translation of Allama Iqbal's pamphlet on
Ahmadism. Have you read his views on the doctrine of
Khatm-i-Nabuwat in his lectures?

A. Yes, I have read those lectures.

Q. What are the reasons for Allama Iqbal's view
that the series of prophets must at one stage
stop?

A. The Allama believes that prophethood is needed
until humanity reaches a certain stage of maturity.
After that stage he thinks the evolution of humanity
must be regulated by reason.

Q. Does Allama Iqbal subject dogma to reason before
the cessation of prophethood?

A. No.

To Counsel continued:-

Q. Do you know Maulana Murtaza Ahmad Khan Maikash?

A. Yes.

Q. Was he taking part in the movement after July 1952?

A. He interested himself in this movement ever since

I knew him more than fifteen years ago.

Q. Did you in October 1952 propose to the head of the Department of Islamiat that a pamphlet written by Maulana Murtaza Ahmad Khan Maikash be purchased for

Rs. 1,000/- ?

A. We purchased one pamphlet written by him but it was on the subject of agrarian reforms.

Q. Did the proposal to purchase the pamphlet originate from you?

A. No.

Q. Have you read that pamphlet?

A. Yes.

Q. Is that on a controversial or a non-controversial subject?

A. The pamphlet deals with a subject which is controversial. This pamphlet was purchased under the instructions of the Director.

Q. But the note on the file shows that you made

the proposal to purchase this pamphlet?

A. The proposal by me was put under the instructions of the Director.

Q. Does not the author of that pamphlet say that Ahmadis are outside the pale of Islam?

A. I must see the pamphlet to be able to answer the question. (Pamphlet seen by the witness).

In stating Mirza Bashir-ud-Din Mahmud Ahmad's views on proprietary rights, the author merely states that Mirza Bashir-ud-Din Mahmud Ahmad has gone so far away from real Islam that it is impossible for him to return to Islam.

Q. Did you send an invitation to Maulana Abdul Haamid Badayuni to speak at the Seerat-un-Nabi meeting?

A. Yes.

Q. Did he in reply write to you that he was engaged in the Qadiani problem?

A. I am not sure without seeing the file, he might or might not have said this while replying.

Q. Did Maulana Abdul Haamid Badayuni disclose to you the subject on which he intended to speak?

A. I have already replied to this question in the negative.

Q. Did you write to him that he should consult you on his arrival in Lahore on the occasion?

A. Yes.

Q. Did he then consult you about the subject-matter of the speech?

A. I was too busy in connection with the engagements consequent upon the arrival of the Iranian Cultural Representative who came with the Maulana to meet him for this purpose.

Q. Did the Karachi police take your statement?

A. They tried to obtain a statement from me, but I made no statement.

Q. Did the police question you?

A. Yes.

Q. How many times did the police question you in Karachi?

A. I was kept and questioned in the police station for two months where I was tortured.

Q. Was the police anxious to take any particular statement from you?

A. Yes.

Q. What statement did they wish to obtain from you, true or false?

A. They required from me, in substance, a false statement to the effect that the agitation in the Punjab was sponsored by the Ministry in power through the Director, Public

Relations, and that I had been an effective instrument in it, though they were prepared to drop my name if I gave them full information.

Q. Did the Chief Minister at his residence have any tale with you regarding the manner in which the movement was to be directed.

A. Ever since I joined service, I have never been to the residence of the Chief Minister.

Q. Did he have any talk on this subject with you anywhere else?

A. Ever since I joined service I have met the Chief Minister only once in the Assembly Chambers and that was in connection with the budget.

Q. Did the Chief Minister to your knowledge ever issue any orders to the police that volunteers proceeding to Karachi were not to be stopped?

A. No.

Q. Did you make ^a statement to this effect to the police in Karachi?

A. No.

Q. Do you have any knowledge of the meetings held by the Chief Minister with Maulana Abul Hasanat and party?

A. Yes.

Q. Were you present at the negotiations alleged to have been held between Mir Nur Ahmed and leaders of the Ahrar in Badami Bagh?

A. Yes, I accompanied the Director to Badami Bagh where he met some Ahrar leaders.

Q. Did Mir Nur Ahmed and the Ahrar leaders arrive in that meeting at an understanding that if the Ahrar did not disturb law and order or resort to violence, the Government had no objection to the Tahaffuz-i-Khatm-i-Nabuwwat movement being carried on?

A. There was no understanding between Mir Nur Ahmed and the Ahrar to this effect.

Q. What was then the subject-matter of discussion and eventual decision?

A. It was agreed that the Ahrar were to issue a statement to the effect that law and order must be observed and that their activities would be subject to these requirements. There was no obligation of any sort on the part of the Director if the Ahrar issued that statement.

Q. Was a statement eventually issued

A. Yes.

Q. Who prepared the draft of it?

A. The Ahrar themselves.

The statement was published a day or two later over the name or names of some Ahrar leaders, I was taken by the Director with him because it was intended that I was to help him in drafting that statement.

Q. Who arranged the meeting between the Director and the Ahrar leaders?

A. Some Ahrar leaders were putting up as guests of the owners of the Workshop. This meeting took place at the premises of the Workshop. Mr. Muhammad Yusuf, Information Officer in the office of the Director of Public Relations, telephoned to the workshop to inquire whether the leaders were there.

Q. Is it not true that a deal between the Ahrar and the Punjab Government had been struck and that this meeting had been held with the Ahrar to give a formal shape to the deal?

A. As far as I know the only object with which the meeting was held was to issue a press statement. I know nothing

of any agreement having earlier been entered into between the Government and the Ahrar.

You have said that the Karachi police officers wished to obtain from you a statement against Mr. Daultana.

Did the police officer or officers expressly ask you to make a particular statement, or are you merely guessing the object of the interrogator?

Nobody specifically asked me to give any false statement against Mr. Daultana. It is my inference that the officers wanted such a statement from me but my inference is based on good reasons.

Did the Department of Islamiat make a payment of Rs. 1,100/- to Ashraf Ata of the "Zamindar"?

Yes, our department purchased some pamphlets from him and payment for them must have been made. I do not know the aggregate amount.

Did you pay anything to Muzaffar Ehsani of the "Zamindar"?

Some pamphlets were purchased from him also, but I do not know whether at that time he was on the staff of the "Zamindar" or not.

Did your department make any payment to Abdullah

Al-Asari?

A. I remember having received a pamphlet from him but do not recollect whether it was accepted or paid for.

Q. Did he ever ask for any financial assistance from you?

A. I do not think he ever did so.

Q. Did you receive the letter Ex.D.E. 203?

A. Yes.

Q. Do you know Muhammad Saeed Beg?

A. There is a daftri of this name in my office.

Q. Was any payment made to a man of this name through Shraf Ata?

A. I cannot answer this question without seeing the file.

Q. Please look at the file and reply?

A. The file does not show anything because its annexures have been removed from it.

Q. Not even the writing Ex.D.E. 204?

A. This writing merely shows that payment was made to a person who was recommended by the editor

of the "Zamindar". It does not mention the name of Ashraf Ata.

Q. Who was the actual payee in this transaction? Can you give his particulars?

A. My duties were only concerned with advising the Director on the academic value of a manuscript. There was a separate gazetted officer for making payments.

Q. Who is this Muhammad Saeed Beg in the writing Ex.D.E. 205 which purports to be in your handwriting?

A. I saw this man's manuscript and not the man himself.

Q. Is there any other officer in your department who carries as heavy a danda as shown in the photograph Ex.D.E. 206?

A. No. The danda is called "Maula Bakhsh" and I am called "Maula Bakhsh Wala".

Q. Please look at Nawab of Mamdot's speech in the assembly reported in the "Zamindar" dated 5th March 1952. Who is the man described in his speech as a man with a magic stick ("jadoo ka danda")?

A. I am not an interpreter of Mamdot's mind.

Q. Do you say any honestly that you do not find yourself

as having been alluded to here?

a. I only said, I am not an interpreter of Mammadot's mind.

Sd/- M. Munir

24th November 1953.

PRESIDENT.

Sd/- M.R. Kayani.

MEMBER.

ORDER.

Proceedings adjourned till 26th November 1953.

The statement of Mr. Ibrahim Ali Chishti will,

however, be continued on 27th.

Sd/- M. Munir.

PRESIDENT.

24th November 1953.

Sd/- M.R. Kayani.

MEMBER.

27th November 1953.

57th Sitting.

Present:

Hon'ble Mr. Justice Muhammad Munir,
 Chief Justice, President,

Hon'ble Mr. Justice M.R. Kayani, Member.

Mr. Fazal Ilahi, Advocate, assisted by Mr. Ijaz
 Ali, for the Punjab Government.

Mr. Fateh Muhammad Aziz, Advocate, for Ahmadiyya
 Anjuman-i-Isha'at-i-Islam.

Mr. Asadullah Khan, Advocate, assisted by Mr. Ghulam
 Murtaza, Advocate, for Sadr Anjuman-i-
 Ahmadiyya, Rabwah.

Mr. Mazhar Ali Azhar, Advocate, for Majlis-i-Ahrar.

Mr. Yaqub Ali Khan, Advocate, for Mian Mumtaz Muhammad
 Khan Daultana.

Maulana Murtaza Ahmed Khan Maikash, Member, Majlis-i-
 Amal, in person.

Mr. Said Malik, Ameer-i-Jama'at-i-Islami, in person.

Witness No. 117 (Called by Court):-

Mr. Muhammad Ibrahim Ali Chishti, Deputy Secretary, Department
 Islamiat, on solemn affirmation (continued):-

To Mr. Asadullah Khan, on behalf of Sadr Anjuman-i-Ahmadiyya,

Qwah:-

Do you consider the Ahmadis to be kafirs, murtaddas or Muslims?

I am a Government servant, and, as the question relates to religious matters, I would like not to answer it. ✓

(Note.- Witness is excused from answering the question.)

What is the penalty, in Shariat, for a murtadd?

My answer is the same.

What are your special qualifications to be appointed as Deputy Secretary in the Department of Islamiat?

I am supposed to have some knowledge of the qualifications of Ulama in this Province who could be useful for the Department. I belong to a family which has traditions of Islamic culture and scholarship and I have personally studied a bit of philosophy, history and other Islamic sciences.

To Court:-

What is the relation between religion and philosophy? ✓

Philosophy tries to appreciate reality through reason and religion also concerns itself with reality through other methods. Therefore, the subject-matter of both philosophy and religion is common, though the method may be different.

And science and philosophy?

Science concerns itself with a particular field of natural facts and its method is always mainly inductive. Philosophy

concerns itself with all the facts of existence and uses other methods in addition to induction.

Q. And science and religion?

A. Science confines itself to a particular field of knowledge and its methods are only empirical. Religion concerns itself with life as a whole and uses other methods in addition to the empirical method.

Q. Which method of logic, inductive or deductive, should be applicable to Islamic philosophy according to you?

A. To that part of the Islamic philosophy, which relates to dogma, mainly the deductive method; but to that part of the Islamic philosophy, which relates to matters of life on this earth, inductive method shall also have to be applied.

Q. Are there any non-dogmatic religions?

A. Not to my knowledge.

To counsel (continued):-

Q. As a Government servant do you consider Christians to be Muslims?

A. No.

Q. And Ahmadis?

A. According to my conception of Government servant, a Government servant should keep himself above controversial subjects. About the Christians there is no controversy, where-

as about Ahmadis there is.

To Court.

- Q. If the Government informs you that you are not a Government servant, then what would be your reply?
- A. I will file a suit against Government that I am still a Government servant.

To Court.

- Q. If we give you an assurance that the Government Servants Conduct Rules will not apply to you, what will be your answer?
- A. In that case, I would say that the Ahmadis are non-Muslims.
- Q. Which Ahmadis are murtadds?
- A. Those, who do not consider Mirza Sahib to be a kafir, are kafirs themselves. A Muslim becomes a murtadd when he becomes an Ahmadi.

Q. What is the punishment for a murtadd if the so-called murtadd renounces Islam honestly and after a comparative study of religion?

A. The punishment is the same as of treason in a secular State if somebody commits treason, sincerely believing that that is the right thing for him to do, i.e. death. ✓

Q. Was it one of the functions of the Department of Islamiat to produce religious or semi-religious literature, keeping in view points of agreement among the various sects of Islam?

A. Yes. This sentence was in fact produced by me.

Q. Did the term "sects" include Ahmadis?

A. Yes, in the sense that nothing was to be done by the Department of Islamiat disagreeable to the point of view of Ahmadis, and this requirement has all along been scrupulously kept in view. ✓

To Court:-

Q. Are Ahmadis a sect in Islam?

A. According to me, no; according to the department, yes. ✓

Q. Who is the greatest European writer on Hadith?

A. I cannot answer this question.

Q. How many books written on Hadith by European writers were purchased by the Department of Islamiat?

A. That question can only be answered after looking at the library list.

Q. Cannot you mention one celebrated book or Hadith written by any European writer which you purchased for your library?

A. I cannot answer the question, but the department can answer it because it had formed a committee of experts for this purpose.

Q. How many translations of Qur'an in English are to be found in your library?

A. Every one available in the market.

Q. Please name the translators?

A. I cannot, because this is not a part of my duties.

Q. Is the English Dictionary of Islam to be found in your library?

A. I cannot answer this question without looking at my library catalogue.

Q. Who is the author of the English Dictionary

of Islam?

A. I do not know.

Q. Did you purchase a copy of the Encyclopaedia of Islam?

A. I placed an order for it but it was not available in the market.

Q. Who are the publishers of this encyclopaedia?

A. I do not know.

To counsel continued:-

Q. You have already stated that most of the Ulama who were financed by the Department of Islamiat were taking active part in the anti-Ahmadiyya agitation and that you knew of it. Did it not occur to you that these Ulama were working against the very object for which the Department of Islamiat was brought into being?

A. No Ulama were financed by the Department. They were only paid for the academic work that they did for the Department and this is not financing. It did come to my notice that they were participating in certain activities which were

beyond the sphere of the Department, but I was only concerned with that part of their activities which came under the purview of the Department.

As far as Ahmadis as a sect are concerned, their representatives were also being included in the speakers, for example, Mr. Muhammad Taqoob, Editor, Civil & Military Gazette, and Amir Pehlwan.

Q. Do you think that the demands in respect of the Ahmadis were justified?

A. My personal opinion is that these demands had got two aspects, theoretical and practical. Practically I could not extend my support to them as long as I am in service. Theoretically I considered only one of the demands to be correct and that is the removal of the Foreign Minister. The other two demands might be right in their intent but the method was wrong.

Q. Did you ever exchange any views on these demands with the other Ulama?

A. No. This was because of my being a Government servant.

Q. Is then your religious conscience subordinate to your official conscience?

A. No.

Q. How did you satisfy your religious conscience if you did not discuss the matter with anybody?

A. Religious conscience does not make it obligatory on every person to act on every belief.

Q. If you did not agree with the method, did not your religious conscience prompt you publicly to denounce the method?

A. That would have been inconsistent with my official duties.

To Court:-

Q. Was this one of the functions of the D.P.R.?

A. I cannot answer for that department.

To counsel contd:-

Q. Was it not your duty as Deputy Secretary of the Department of Islamiat to do something to stop the sectarian tendencies between Ahmadis and other Muslims?

A. Only so far as it would not involve the department into other controversies.

Q. Did your department do anything to stop this controversy?

A. No, because nothing could be done without entering into other controversies.

Q. Did you call a meeting of the Board of Islamiat in order to remove the differences between the Shias and the Sunnis?

A. Not one but many.

To Court:-

Q. Did you honestly think that you could do what others could not do in more than 1300 years?

A. We thought that we should do our best.

Q. Is the genesis of the difference to be found before the birth of Islam?

A. Obviously not.

Q. What were the tribes between whom Shia and Sunni differences first arose?

A. Bannu Hashim and Bannu Sufyan.

Q. Did Bannu Omayya belong to the Qureshi tribe?

A. Yes.

Q. Were there any differences between the Hashimites and Omayyads before the birth of our Holy Prophet?

A. Yes.

Q. How long had these differences existed before the birth of Islam?

A. I cannot be sure about the period.

Q. Were not the two parties to Shia-Sunni dispute the Hashimites and the Omayyads?

A. Yes.

To counsel continued:-

Q. Were these meetings between the Sunnis and the Shias, held as a law and order problem?

A. Yes.

Q. Did you not consider it necessary to call a meeting of Ahmadis and non-Ahmadis as a law and order problem?

A. I did consider it necessary but it was not possible in the circumstances.

Q. Why was it not possible?

A. The Board had been nominated before I joined service and as it did not include any Ahmadi representative, a calling of its meeting for the purpose would have been useless.

Q. Could you not make a suggestion that this also being a law-and-order problem, representatives of Ahmadis should also be included in the Board?

A. It was not a part of my duty to initiate a scheme.

Q. Was the scheme, suggested, as you say, by the Home Secretary, limited to Shia-Sunni disputes only?

A. Yes.

Q. Was not your failure to make a useful suggestion due to the fact that your religious convictions were opposed to the Ahmadis?

A. I am pained that such a question should be put to me.

Q. According to you, are Shias outside the pale of Islam?

A. Yes.

To Court:-

Q. Why do you consider Shias to be outside the pale of Islam?

A. Because the term "Shia", in answering this question, to my mind, represents those people who think that prophethood was shared between Ali and the Holy Prophet.

Q. Is this the only ground on which you consider Shias to be kafirs?

A. This is the main grounds?

Q. What are the other grounds?

A. Some of the Shias believe that the Qur'an is not complete.

Q. If the only difference between you and the Shias is that they believe in the twelve Imams, would you regard them as kafirs?

A. Then they are Muslims even if they prefer Ali to the other Khalifas individually.

Q. Even if their preference amounts to the belief that after our Holy Prophet Hazrat Ali was the only right-ful Khalifa?

(NOTE:- The witness refuse to answer the question directly.)

Q. If, therefore, an Ahl-i-Sunnat-wal-Jama'at renounces his original religion and converts himself to that form of Shiaism which, according to you, amounts to exclusion from Islam, will he be a murtadd?

A. The question implies too many hypothetical presumptions to be answered straight.

Q. What presumptions and assumptions does it involve?

(NOTE:- The question has thrice been read over to the witness and, when he was told that what is intended to be asked is simply this; whether if a Sunni becomes a Shia, in the sense in which the witness considers him to have gone outside the pale of Islam, he becomes ^a murtadd, he so prevaricated as to make it clear that he was not willing to answer the question.)

Q. Does a Sunni become a murtadd when he becomes a Shia?

(Note:- The witness again argues and does not answer directly the question.)

To counsel (continued):-

Q. You have said that you were appointed Deputy Secretary by the then Government, Sardar Abdur Rab Nishtar. Was it after he had interviewed you that he gave an appointment to you or the appointment was the result of some recommendation?

A. He did interview me more than once before my appointment, but the formal appointment came through the proper channel.

To Court:-

Q. Are khawarij within the pale of Islam?

A. No.

Q. Chakralwis ?

A. No.

Q. Are you an Ahl-i-Hadith?

A. No.

To Mr. Fatah Muhammed Aziz, Advocate, for Ahmadiyya

Anjuman Isha'at-i-Islam:

Q. Is it correct that you asked Mr. Yaqub Khan only

once to give a lecture and that that was after the

ultimatum had been given by the Majlis-i-Amal?

A. I am not sure, but the exact position should be

clear from the file.

Q. Please look at the record and give the date on

which you requested Mr. Yaqub Khan to deliver a

lecture at Rabwah?

A. On 19th January.

Q. I put it to you that you selected Mr. Yaqub Khan at this

particular juncture to provide for yourself a defence,

because throughout your selection was limited to non-

Ahmadis and even extended to those who were taking part in

the anti-Ahmadiyya movement?

A. The suggestion is false and malicious.

To Maulana Murtaza Ahmad Khan Maikash, Member, Majlis-

i-Amal:

Q. When was Maulana Abul Hasanat made a member of the

board?

A. In 1951, and possibly earlier.

Q. Is it a fact that Maulana Muhammed Bakhsh Muslim and

Maulana Ghulam Muhammad Tarannum had been taken on the board before they were appointed members of the Majlis-i-Amal?

A. Yes;

Q. After these gentlemen became members of the Majlis-i-Amal, did you ever receive information from the Government, Central or Provincial, that the activities of these gentlemen were objectionable and should be stopped?

A. No, never;

Q. If you had told the gentlemen who subsequently became members of the Majlis-i-Amal that you could employ them for the purposes of your department only if they did not engage in other religious activities, do you think they would have agreed to their employment?

A. How can I speak for them? At the time the offers were made, it was made clear to them that the policy of our department was not to engage in controversial subjects and that so long as this policy was carried out, the department was not interested in what else they did.

Q. Was the Shia-Sunni Board different from the board of the department?

A. Yes. The former was nominated by the Home Secretary.

Q. Was the Shia-Sunni Board called to remove possibilities of the disputes regarding zuljanah and ta'zieh processions?

A. Yes,

Q. How many copies of "Islam aur Ma'ashi Islahat" did your department purchase?

A. The record will show it.

Q. I put it to you that your purchased one thousand copies?

A. It may be correct.

To court:-

How much did you pay for it?

A. The record will show.

Q. Maulana Daud Ghaznavi stated to the Court that you had telephoned to him inviting him to deliver lectures as other Ulama were doing, that he would get Rs.100/- per lecture instead of Rs. 20/- which was the usual rate, and that he declined to accept your offer on the ground that Government had misused the funds. Is the statement correct?

A. The offer was made, and it is also true that he was offered Rs. 100/- per lecture because that was the usual rate for M.L.A. speakers. He declined the offer on the ground that he was confined to bed. He said he would accept the offer as soon as he had recovered.

Q. Was Maulana Daud Ghaznavi a critic of your department?

A. No. He never criticised the department before he gave evidence in Court.

Q. Did Maulana Daud Ghaznavi also demand or expect any financial benefit from your department?

A. He once came to me with a recommendation from the Secretary with a proposal that he would prepare a glossary of the Holy Quran for which he should be paid Rs. 10,000/-. I advised against this undertaking and my advice was accepted by the Secretary.

Q. Do you think that this sum of Rs. 10,000/- was excessive for the work?

A. I think it was excessive in view of his capabilities to give a proper return.

To Mr. Yaqub Ali Khan, Advocate, on behalf of
Mr. Daultana:

Q. In what sense were you a Deputy Secretary?

A. In the sense that Mir Nur Ahmad was the Secretary of the Board of Islamiat and I was the Deputy Secretary.

Sd/- M. Munir

PRESIDENT.

27th November 1953.

Sd/- M.R. Kayani.

MEMBER.

Proceedings adjourned till tomorrow, The statement of Mr. Muhammad Ibrahim Ali Chishti will, however, be continued on 1st December 1953.

Sd/- M. Munir.

PRESIDENT.

27th November 1953.

Sd/- M.R. Kayani.

MEMBER.

WITNESS NO. 117 (Called by Court) continued:-

Mr. Muhammad Ibrahim Ali Chishti on solemn affirmation:-

To Mr. Yaqub Ali Khan continued:-

Q. Do you know that there was an Advisory Board to the Department of Islamiat?

A. Yes. I was the Deputy Secretary of that Board.

In September 1951, the following were finally selected as members of the Advisory Board:-

1. Maulana Abul Hasnat Muhammad Ahmad,
2. Maulana Ghulam Murshad,
3. Mufti Muhammad Hussain,
4. Maulana Muhammad Bashir of Taxila,
5. Maulana Ghulam Muhammad Tarannum, and
6. Maulana Muhammad Bakhsh Muslim.

Some of them had been proposed earlier but the final selection was made in September.

Maulana Muhammad Yusuf Hasan, Maulana Muhammad Shafi of Punjab University, Maulana Muhammad Idris and Mirza Ahmad Ali were, from time to time, invited to take part in the deliberations of the Board though they were not its members. The names of the lecturers were first discussed among ourselves namely, the members of the Board, the Secretary and

myself. After this I put up a formal proposal decision on which was taken by the Secretary. The names of the lecturers selected were not communicated to the Chief Secretary.

Q. Were the lecturers subject to the discipline of the Department of Islamiat?

A. No. On the contrary they were appointed on the distinct understanding that they were free to engage themselves in their private activities.

The lecturers were selected irrespective of the sect to which they belonged.

Q. Did you take into consideration the views of the lecturers in regard to the anti-Ahmadiyya movement that was going on?

A. No.

Q. If you had laid down the condition that only those who did not take part in the anti-Ahmadiyya movement could be selected as lecturers, would you have been able to get a lecturer?

A. Probably yes.

My department never took cognizance of the fact that some of the lecturers selected by it were taking part in the anti-Ahmadiyya movement. It was none of my duties to do so, because I was merely a Deputy Secretary, but I can say that, to my knowledge, the department took no cognizance of such activity on the part of the lecturers.

Q. You have stated that some payments were made to some of the members of the editorial staff of the daily "Zamindar" by the Department of Islamiyat. May I put it to you that similar payments for similar work were made to other

journalists and members of the editorial staff of other papers?

To my knowledge, never was a payment made to anybody because he was a member of the staff of any newspaper.

We only bought certain pamphlets relating to the objects of the Department of Islamiat. Though it is correct that some of the journalists also wrote pamphlets for us, the payments were made strictly on their merits as literary writers and did not relate to their membership of the staff of any newspaper. Payments for these purposes were made to members of the staff of other newspapers also, as for instance "Ehsan", "Tasneem" and "Afaq".

You have stated that you received some payments before you joined the Department of Islamiat for writing certain articles for the Director of Public Relations. Will you please state what was the nature of those articles and whether any one of them related to any religious controversy, including the doctrine of Khatm-i-Nabuwat?

It is very difficult to recollect the nature of each and every article after this long period, but I can say

that they always related to subjects in support of the policies of the Punjab Government and that they never related to any religious topic whatsoever.

What was the nature of your relations with Hamid Nizami of the "Nawa-i-Waqt"?

Originally we were great friends but subsequently our relations became strained to the point of enmity?

When did this change in your relations take place?

Probably in 1946 or 1947, when he started calling me "Rafaqat Ali Chishtie", because I was Secretary of the Rafaqat Committee. I was opposing the Nawab of Mamdot and he was one of the Nawab's supporters.

Did he accuse you of being opposed to the idea of Pakistan and did you in reply publish a pamphlet entitled "who is the Fifth Columnist"?

Yes.

Did he charge you with serving the Communal Harmony Movement which was in existence in the regime of Malik Khizar Hayat

Khan?

Yes.

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Khan?

Yes.

Q. Did you publish a pamphlet containing photostatic copies of the receipts of money by Mr. Hamid Nizami from this very Department?

*Communal
Harmony
Movement*

A. Yes.

Q. Was the pamphlet proscribed by the Nawab of Mamdot after Partition?

A. Yes.

To Court:-

Q. When were you arrested?

A. I was arrested on 10th March.

Q. Where?

A. At Karachi.

Q. When did you leave Lahore for Karachi?

A. On 8th March.

Q. What did you do at Karachi from 8th to 9th March?

A. As instructed by my controlling officer from Lahore, I served in the Pakistan Secretariat in the Department of Press and Information, writing articles for them in support of law and order against this agitation.

Q. Why did you go to Karachi?

Because I had been ordered by my controlling officer, probably on 5th March, to proceed to Karachi by aeroplane as the Chief Secretary to the Punjab Government had received urgent orders to this effect from the Government of Pakistan.

Did the Chief Secretary tell you what you were to do at Karachi?

My controlling officer had directed me to contact Col. Majid Malik, Principal Information Officer in Karachi.

I was arrested when I was working in the office.

To Mr. Nazir Ahmed Khan, for Jume'at-i-Islami (By permission):-

I have stated that some members of the staff of 'Tasneem' also received payment from the Department. These payments were made to them as members of the staff of "Tasneem" but as individuals for writing pamphlets.

To Court:-

Was one of the objects of the Department of Islamiat to counter-act the activities of Jume'at-i-Islami?

No.

Was Jume'at-i-Islami at all mentioned at any stage of

the organisation of the Department of Islamiat in connection with the objects of that Department?

Before I joined service, the Secretary of the Department had suggested to the Punjab Government that this Department might also be helpful in counter-acting anti-State propaganda of the Juma'at-i-Islami.

- A. The department did that, though the invitations were issued over my signatures.
- Q. Did you issue such invitations to me?
- A. Yes.
- Q. Was the question discussed in the Majlis-i-Mushawarat as to which rare books should be republished?
- A. Yes.
- Q. Was the Mufradat-i- Raghīb one of the books suggested for republication?
- A. Yes. It was decided to print that book and it is now in press.
- Q. Did you ask me to give you a copy of the Mufradat-i- Raghīb, on which I had written references?
- A. Not to my recollection.
- Q. Did you ask me to give you any other book on Laghat-i- Qur'an?
- A. I did not ask you but you offered to bring the book and I asked you to do so.
- Q. Did you send a man to me to fetch the book?
- A. No. You brought it yourself.
- Q. Was there any proposal in the Board to publish the Mufradat-i- Raghīb in an up-to-date manner?
- A. Yes, but the proposal was made not in the Board but in a sub-committee of which you also were a member.

Q. Were you anxious that the Mufradat-i-Raghib should be the first book to be republished?

A. Yes, but it was not to be published with any notes as is clear from the resolution of the Board in the minutes.

Q. I suggest it to you that you insisted that I should publish the Mufradat-i-Raghib with my notes and that I offered to do so at the rate of Rs.10/- per page, which amounted to Rs.10,000/- for the entire work?

A. This is not my recollection of the matter, and it can be verified by looking into the file relating to the publication of Mufradat-i-Raghib in which the Government had sanctioned my proposal before Maulana Daud Ghaznavi made any proposal.

Q. What was the budget for publication of books for your department?

A. In 1952-53 Rs.35,000/- were allocated to this head.

Q. As against this sanctioned estimate was any book published?

A. Yes. The publication of Mufradat-i-Raghib was undertaken and the book was in press when I was arrested.

To Court:

Q. Having been considered to be fit to occupy the position of Deputy Secretary to the Department of Islamiat, you must have been supposed to have made some comparative study of religion. Is that so?

A. The Deputy Secretary was merely supposed to assist the Secretary in organising the operations of the department.

Q. What are your qualifications?

A. I am a Graduate of the Punjab University, and studied up to LL.B. though I did not appear in the examination.

Q. You have stated in your evidence that Islam is a dogmatic religion and that you do not know of any religion which is not dogmatic. Can you tell us what the Sikh dogma is?

A. That reality is only to be realised through the Guru.

Q. Was Guru Nanak a Sufi?

A. To some extent.

Q. What is the Sikh cult as distinguished from dogma?

A. The five kekhas.

Q. Somebody has remarked that the most revitalising principle in Islam was dropped by Muslims and picked up, several hundred years later, by the Sikhs. Is that so?

A. The dropping part of it may be true, but the adopting part of it is rather doubtful.

Q. Is what you call ijma' a cardinal principle of Sikhism?

A. Not to my knowledge.

Q. Is panth a correct translation for ijma'?

A. The conception of panth may be nearer to that of din, but it is not comparable to ijma'.

Q. Does not panth mean community?

A. Literally it does.

Q. Was Guru Nanak a Muslim Sufi?

A. Very probably he was.

Q. Is ijma' today possible according to you?

A. Yes.

Q. Don't you confine ijma' to Tabi' tabi'een?

A. No, though ijma' in modern times will have to take note of the decisions of salaf-i-saleheen and will be subject to it.

Q. Is ijma' territorial?

A. No.

Q. Are the terms "Ijma'-i-Madina", "Ijma'-i-Basra" and "Ijma'-i-Kufa" wrong terms?

A. They are not wrong.

Q. Do these terms not show that ijma' was territorial?

A. They do show that the particular ijma' referred to was limited to a territory, but in order to be applicable as a rule of fiqh, it will have to be agreed to by the Ahl-ur-rae of the whole ummat, at least in one theory.

Q. How will you hold ijma' today in Pakistan?

A. First by creating institutions which should determine the qualifications in character and knowledge of the Ahl-ur-rae and then setting up some procedure analogous to modern polling.

Q. Will you take the opinion of the Ahl-ur-rae of Pakistan alone, or also the opinion of all Ahl-ur-rae of other Muslim countries?

A. If the ijma' is to be of Pakistan, then only of the Ahl-ur-rae of Pakistan, but if the ijma' is to be of the whole ummat, then from all over the world.

Q. What do you mean by the following words "If ijma' is to be of Pakistan"?

A. I mean, if the ijma' is to be held for the solution of a problem which according to fiqh can be solved locally.

Q. Which ijma' is to decide that the problem is to be decided locally?

A. There should first be an ijma' whether the problem is local or not.

Q. If the question be whether the Ahmadis are within the pale of Islam, what kind of ijma' will you propose if an ijma' is considered necessary?

A. Local ijma', namely, ijma' confined to Pakistan.

Q. Can ijma' overrule the Qur'an and the Sunnah?

A. Never.

Q. Can ijma' validate or ratify "bid'at"?

A. Yes, in the sense that "bid'at" is defined as "bid'a hasana".

Q. On such a ratification or validation, will it still remain contrary to the Sunnah?

A. After it has been ratified by ijma', you will have to quote some authority to say that it is

contrary to Sunnah.

Q. Did the expression of opinion by the All Pakistan Muslim Parties Convention in Karachi that Ahmadis are outside the pale of Islam, amount to ijma'?

A. I should be excused from answering this question because I am a Government servant. (The witness is required merely to state his opinion as his official capacity has nothing to do with it). No. It was not ijma'.

Q. Do you yourself belong to any tariqa of Sufis?

A. Yes. I am a Chishti.

Q. Has not the cult of Sufis, which was originally regarded as contrary to Sunnah, become a part of the Sunnah of Islam?

A. In my view Sufism was never contrary to Sunnah. In fact it was derived from Sunnah.

Q. Do you agree with the opinion expressed at page 158 of Shirter Encyclopaedia of Islam that "many, at present, both within and without Islam, regard ijma' as a powerful instrument of reform; the Muslim people, they assert, can make Islam whatever they, as a whole, please"?

A. No.

Q. What will be your view about those who answer this question in the affirmative?

A. This question should be put to a Mufti.

Q. Did your Department purchase any book exclusively devoted to the exposition of "ijma'" in modern conditions?

A. I think we have got some books from Iraq giving exposition to principles of fiqh as applied to modern conditions there. We have also got a book from Egypt.

Q. Ever heard of the book " الاجماع في الشريعة الاسلاميه " ?

A. No.

Q. Is Chishti" a part of your name or merely indicative of your relationship with a tariga or a silsila ?

A. I happen also to belong to the caste of Chishtis. It is, therefore, a part of my name as well as indicative of the tariga to which I belong.

Q. Who said "You can tell a Chishti by his squin eye" ?

A. I do not know.

When I say I am a Chishti by caste, I mean that I am a descendant of the saint of Pakpattan.

Q. Who was the founder of Chishtis?

A. Khwaja Moeen-ud-Din Chishti.

Q. Was he the founder of Chishties?

A. In this country he was the founder though he was the disciple of Khwaja Usman Harooni who originally came from Ghisht..

Q. Are Ali Ahmad Sabir, Nizam-ud-Din Aulia, Baba Farid Shakarganj and Bakhtiar Kaki all Chishtis?

A. Yes.

Q. Do large congregations of people every year come for pilgrimage to the shrines of every one of these saints?

A. Yes.

Q. What do they come for?

A. To receive spiritual benefits.

Q. Do not people gather at these shrines for "mannats"?

A. Yes, some of them do.

Q. Does not the making of "mannats" make them mushriks and thus outside the pale of Islam?

A. No.

Q. Do you see anything un-Islamic in a man coming to the shrine of any one of these saints for a mannat as, for example, success in a false case or a barren woman with a prayer for the birth of a baby to her?

A. The wrong in a mannat for a false case will be in the cause itself. It is un-Islamic. If the cause is righteous, as in the second case, I see nothing un-Islamic in the invocation.

Q. Are there any neophytes in your tariqa?

A. Yes. The correct word should be "murid" and every tariqa or silsila of Sufis ordains it.

Q. Has the murid to undergo any chilla ?

A. Not necessarily.

Q. Is there any system of chillakashi among the Chishtis ?

A. Yes.

Q. Does the person who has performed a chilla regularly see visions thereafter?

A. The correct word is "magam" and not vision.

Q. How does "maqam" or vision, whatever you may call it, differ from "ilham"?

A. Maqam denotes a spiritual condition having some permanence whereas ilham is merely communication of some impulse from the Divine Source and it may even be mere instinct.

Q. What is a salik?

A. One who seeks divine realisation through a particular system of tariqat.

Q. Does a salik become subject of kashf?

A. Yes, it is quite possible.

Q. Does kashf include information of coming events?

A. It may.

Q. Is kashf the same as ilham?

A. No.

Q. Is kashf a form of ilham?

A. No.

Q. What is the difference between tasawwuf and rahbaniyat?

A. Rahbaniyat implies renunciation of this world; tasawwuf implies subjection of worldly relations to spiritual progress.

Q. Are there any rahibs among Chishtis.

A. No.

Q. Are there any ascetics among Chishtis?

A. To the extent that asceticism is prohibited in Islam any such person cannot be taken to be acting in accordance with tariqa-i-Chishtia.

Q. Are there Chishtis who engage themselves in zikr ?

A. Yes.

Q. Are there Chishtis whose only occupation in life is zikr?

A. There might be some majzubs.

Q. Is Sufism a form of Hindu Yoga?

A. No.

Q. Is there any parallel between the two?

A. There is similarity in certain respects.

Q. Do Chishtis have qawwali?

A. Yes.

Q. Do Chishti audiences dance at these qawwalis ?

A. Dance is not the right word for referring to wajd.

Q. What about the word 'raqs' ?

A. It is a technical word in Sufi-ism and not used in its literary sense.

Q. If an Ijma'-i-Umma in Pakistan declare the Ahmadis to be kafirs, while an Ijma'-i-Umma of other countries declare them to be a sect of the Muslims, what would be the result?

A. It is a hypothetical situation which, in my opinion, will never occur.

Q. Suppose it does occur, what will be the exact doctrinal

position with reference to Ijma'?

- A. Speaking doctrinally, in that case an Ijma' of the whole Ummat will decide the issue.
- Q. Suppose the Ulama of other Muslim countries refuse to join such an Ijma' and adhere to the decision of their own Ijma' ?
- A. Then they will be denying the principle of Ijma'.
- Q. Would it not then be correct that by Ijma' the Muslims can make of their religion what they like?
- A. Obviously not.
- Q. Do you now give up your doctrine of Ijma' for a particular country, namely, territorial Ijma' ?
- A. I never propounded the doctrine of territorial Ijma' in the sense that it should prevail against the Ijma' of the whole Ummat. What I said was merely this, that when an Ijma' of the whole Ummat cannot possibly be arranged then urgent and immediate problems of a particular country can be solved for the time being by holding a territorial Ijma'.
- Q. Did you not say that regarding the Ahmadis being declared

Muslims or otherwise, an Ijma' can be held only in Pakistan?

- A. Yes, but I qualified it by saying that it was valid in the present conditions keeping in view the fact that an Ijma' of the whole Ummat is not possible within a foreseeable period.
- Q. Do you then admit that, if feasible, on every matter which is subject to Ijma' reference must be to Ahl-ur-ra of the entire Muslim world?
- A. Yes, as the final and ultimate authority.

Q. What is the difference between Ijma' and ijtehad?

Is the principle underlying them the same?

A. When qiyas has to be applied to a wholly new situation for which no definite precedent is available, it will be ijtehad. When a particular formula of ijtehad is accepted by the consensus of Ahl-ur-rae, it will become ijma'.

Q. Is not this reply completely wrong, the difference between ijtehad and ijma' being that while the former represents the opinion of an individual, the latter represents the opinion of the community?

A. Ijtehad does start from an individual opinion, but the consensus of the whole community can only come into being when there is first some ijtehad to be accepted or rejected by the majority of opinion.

Q. Are the proposals relating to the constitution of legislature in Pakistan in the nature of Ijma'?

A. No.

Q. Have you read Allama Iqbal's views on ijma'?

A. I read them very long ago.

Q. Is it a fact that lacs and lacs of rupees are

collected every year by the mujawirs of the Ghishti shrines in the sub-continent of Indo-Pakistan?

A. Very probably it is a fact.

Q. Is there anything wrong with the manner in which this money is received and spent?

A. It is all wrong.

Q. Is there any such thing as Islamic cosmology?

A. Yes.

Q. Where do you find it?

A. In the first instance in the Holy Qur'an and then in the writings of Islamic interpreters.

Q. Is Islamic cosmology based on research or on revelation?

A. Its basic information is based on revelation, but, of course, the developed theories are very much analogous to research work.

Q. Is cosmology a science?

A. No, it is a department of Philosophy.

Q. If cosmology be a science, then will you admit that there is no cosmology in the Qur'an?

A. I understand the term "cosmology" to mean a theory of universal reality, and in this sense I do not understand how it can be a science.

Q. What is the basic difference between Islamic cosmology and Christian cosmology?

A. One basic difference that I can just now think of is that Christian cosmology presents human evolution in terms of relationship of Father

and Son, whereas Islamic cosmology on this point presents its theory in terms of the Creator and the created who have a volition of their own.

Q. From the manner in which you are answering questions the Court guesses that you must have been a student of Philosophy? ✓

A. Yes, I hold an Honours Degree in Philosophy, and Philosophy has always been my favourite subject.

Witness wants to put question to himself.

Questions by Maulvi Ibrahim Ali Chishti.

Q. The record of your evidence so far in this Court gives a general impression that the Department of Islamiat's funds and energies were primarily and mainly being spent on public speeches and press articles. Is this a correct impression?

If not, can you give any solid facts to the contrary?

A. This is a wholly unreal impression, purposely created by putting questions to me by the counsel for the Punjab Government about only those two subjects with the ulterior purpose of covering the scandal of my long wrongful confinement. I was helpless in giving answers which could not go beyond the scope of the questions put to me. The following concrete facts which can easily be proved from the records of the department show that speeches and press articles were merely a secondary activity of the department:-

(a) The project on which the department has so far spent the major portion of its funds, time and energy is the collection of more than 5,000 Islamic books from Iran, Egypt, Syria (Beirut) and India on religious and Islamic cultural subjects. Orientalist literature was being purchased from

different European sources. Operations have been planned for microfilming valuable Islamic manuscripts from Kabul, Tashkent, Moscow, Berlin, Holland, Paris, London, Madrid, Istanbul, American Universities and museums and libraries in India. The department has already collected some rare manuscripts.

(b) The department has already in press a Quranic dictionary from a classical author, agreeable to all Islamic sects. Special arrangements for correct printing have been made.

(c) The department has collected a valuable stock of Quranic reference books, classical commentaries and authentic Arabic dictionaries for undertaking the preparation of a Quranic dictionary in Urdu of a standard comparable to the Webster's.

(d) The department was collecting various authorised versions for printing standard editions with classical commentaries of the six Sunni and four Shia books of Hadith, so that the basic record of Sunnah might be available in modern presentable volumes.

(e) The department has presented to the Central Government a scheme for a cheap but high-class Urdu-Bengali translation of the Quran with a view to interweaving Urdu and Bengali dictions in Arabic script and thus helping an ultimate

practical solution of the problem of the national language and bringing the two zones nearer. The very preparation of the translation would bring Bengali Scholars to the Punjab.

(f) The department has collected and is collecting a record of legislation from all Muslim countries for administration of mosques, mosque-services, Wakfs and shrines and the education in and determination of modern Islami Fiqah, with a view to preparing similar legislation in the Province.

(g) After collection of a library, research work and regular academic lectures on utilitarian problems will be undertaken.

(h) Even the lectures in schools, colleges and jails should not be judged without a perusal of the record of the opinions of the heads of those institutions about these speeches. This record is present in the department.

4. Apart from your own account of torture and illegal demands during your nine months of detention at Karachi, Lahore and Multan, can you give any objective facts to support your theory of a deep-laid malicious conspiracy against yourself and your department?

A. I draw attention to the following solid facts:-

(1) Firstly the mystery of my sudden call to Karachi by aeroplane on official duty. The fact that I was allotted a

special officer's room in the Pakistan Secretariat. The fact that I was entrusted with the ostensibly important job of preparing drafts defending the need of law and order. Then my arrest and torture. The fact that the Minister of Interior, the Director of Central Intelligence and the Deputy Director interested themselves personally in the operations against me. The fact that the Chief Commissioner of Karachi himself falsely described me as a resident of Karachi and ante-dated his orders by one day. This means that the ex-Prime Minister and the present Minister of Interior, despite their public declarations that Liaqat murder cannot be investigated by the Government of Pakistan because under the present constitution law and order is a provincial subject, were enticing a provincial gazetted officer to get evidence against his own Government under pressure of false charges. Then the fact that one day before my habeas corpus petition was to be filed at the Sindh Chief Court, I was removed to Lahore. And the day I filed such a petition before the Lahore High Court then the application was suppressed and I transferred to Multan. When I filed a similar petition telegraphically from Multan, the Chief Commissioner of Karachi within a week

cancelled his orders of detention against me suddenly without any explanation after seven months, and new enigmatic orders of detention were passed by the Punjab Government. All this series of extraordinary events and their sequence must have some rational explanation. To my mind this explanation is only a conspiracy.

(2) Secondly, it is on the record of this Court that attempts at getting similar false evidence from Maulana Akhtar Ali, Maulana Daud Ghaznavi and Maulana Muhammed Bakhsh Muslim were made. Shibli's statement is a link in the same chain.

(3) Thirdly, it is further on the record of this Court that Hamid Nizami and Professor Sarwar by their own admittance waited in a deputation upon a Central Minister to poison him against me and my department. The enmity of these journalists with me and my department can be proved by judicial records and their editorials mentioning me by name. Both had received severe treatment at the hands of the Director of Public Relations and were under the impression that I was his adviser. Then it is on the record of this Court in Khawaja Nazim-ud-Din's statement that H^{on}-nourable Dr. Ishtiaq Hussain was so much impressed by the views of this deputation that he conveyed them to his colleagues. Link this with the fact that I was called to

Karachi by the Ministry of Honourable Dr. Ishtiaq Hussain and arrested by the Ministry of Interior whom again Khawaja Nazim-ud-Din has mentioned as having been poisoned by the report of Dr. Ishtiaq Hussain.

(4) With what animosity and personal feeling the Central Government of the time was suspecting the Punjab Government can be seen by looking into the editorials of the 'Dawn' from July 1952 onwards. It described the Centre-Punjab differences as a "War of Succession" consequent upon Qaid-e-Azam and Shaheed-e-Millat's deaths.

From your previous evidence it is proved that some speakers employed by the Department of Islamiyat were concurrently participating in the agitation. Can you give any facts to show that this does not necessarily mean that the department was encouraging the agitation?

(1) Firstly, it is self-evident that co-existence or concomitance does not necessarily mean inter-relation, much less the relation of cause and effect.

(2) Secondly, the speakers who were employed for most of the lectures were not participating in the agitation, e.g. Sheikh Amin Bar-at-Law and Qamar Ahmad Usmani and

Mirza Abdul Hamid. Sahibzada Faiz-ul-Hasan and Qazi Murid Ahmad were only invited for two lectures each.

(3) Thirdly, the certificates of the principals and headmasters will clearly establish for what sort of work these people were being employed.

(4) Even the time table for preparing the approved list and the start of the scheme has been misrepresented. The whole trouble has risen from the fact that the files and record of the department is in the possession of the C.I.D. Otherwise the record of the department will clearly establish that the genesis and working of the scheme of lectures had a logic and entity of its own quite distinguishable from the agitation which was going on as an irrelevant parallel fact.

Q. In your evidence you have said that personally you consider Qadianies to be non-Muslims and when a Musselman is converted to Qadianism he becomes a Murtadd. You have also said that the penalty for a Murtad in Islam is analogous to treason, i.e. death. Does this mean that you will agree to a massacre of Qadianies and deny them all legal rights here and now?

. My personal religious views as described in my previous evidence represent my abstract and absolute ideals, after an Islamic State has been established and is functioning. At present we are passing through an interim period. Those abstracts and absolute ideas have to be applied in the present circumstances taking into consideration also the fact that yet these are individual convictions and not adopted by the national state. Therefore, in the present circumstances many Qadianies are my personal friends, and many family friends. That my personal convictions did not stand in the way of performance of my duties is also evident from the position Shies were given in the Department of Islamiat despite my religious differences with them because the official policy so required.

To Court:-

Q. What is the history of the cap that you are wearing and who were the people who first wore tall conical caps?

A. When the Tartars were a nomadic people, it was a custom that the head of the tribe used to confer the honour of wearing a certain number of horse-tails on his subordinates keeping in view their status and achievements.

Q. And of the jubba that you are wearing?

A. Originally, it comes from the Roman toga but it has also been affected in shape by the Arabic iba.

Q. What kind of cap did the Sumerians wear?

A. I do not know.

Sd/- M. Munir
PRESIDENT

Sd/- M.R. Kayani
MEMBER.

3rd December 1953.

Witness No. 117 (Called by the Court) continued:-

Mr. Muhammad Ibrahim Ali Chishti on solemn

affirmation:-

I have read my statement which purports to be a record of my interrogation by the police in Karachi. I have sidelined some portions of this statement and appended to it my explanation Ex.D.E. 234.

H.O. & A.C.

Sd/- M. Munir.
PRESIDENT.

7th December 1953.

Sd/- M.R. Kayani.
MEMBER.

Adjourned till tomorrow for further proceedings.

Sd/- M. Munir.
PRESIDENT.

7th December 1953.

Sd/- M.R. Kayani.
MEMBER.

15th December 1953.70th Sitting.

Present:-

Hon'ble Mr. Justice Muhammad Munir,
 Chief Justice, President.

Hon'ble Mr. Justice M.R. Kayani, Member.

Mr. Fazal Ilahi, Advocate, for the Punjab
 Government.

Mr. Asadullah Khan, Advocate, assisted by
 Messrs. Abdur Rahman Khadim and Ghulam
 Murtaza, Advocate, for Sadr Anjuman Ahmadiyya
 Rabwah.

Mr. Mazhar Ali Azhar, Advocate, for the Majlis-i-
 Ahrar.

Mr. Yaqub Ali Khan, Advocate, assisted, by Mr.
 Abdul Aziz Malik, for Mian Mumtaz Muhammad
 Khan Daultana.

Mr. Nazir Ahmad Khan, Advocate, for Juma'at-i-
 Islami.

Maulana Murtaza Ahmad Khan Maikash, Member,
 Majlis-i-Amal, in person.

Witness No. 117 (Re-called by Court):

Mr. Muhammad Ibrahim Ali Chishti, on solemn affirmation:-

Q. Please look at Ex.D.E./230 and say whether the corrections
 in ink, namely, "نادر" and "دليل" on the margin and

" دد لای" in the last paragraph, are in your handwriting?

A. Yes. The document is one of the articles that was corrected by me for the Director of Public Relations who sent it on to me for correction.

R.O. & A.C.

Sd/- M.Munir

PRESIDENT,

15th December 1953.

Sd/- M.R. Kayani.

MEMBER.

D.O. Letter From Sardar Abdur Rab Nishtar.

PESHAWAR,
Dated 30-11-1953.

My dear Chief Justice Sahib,

I read a portion of my statement in Pakistan Times and found a few minor mistakes therein. For instance the statement as published gives one an impression that Qadianis' interpretation of "Khatm-un-Nabiyyeen" was given by that deputation which is referred to in the immediately preceding paragraph of the published statement. In my statement I referred to two deputations of Ahmadis: one that met me at Murree in connection with the building of D.A.V. College and another which waited on Khwaja Nazimuddin when he was Prime Minister. The interpretation was given by the second deputation. Similarly with regard to my Punjab tour I stated that it was fixed "weeks" earlier and not "a week" earlier.

Certain portions, as published, lack clarification. For instance the statement to the effect that I did not recollect having seen any Ahrar leader after

I administered warning to master Taj-ud-Din relates only to the period I was Governor of the Punjab. As the the rest of my full statement will show I did see some of then later on when I was a Minister in Nazim-ud-Din Cabnit, similarly with regard to the impetus gained by the movement as a result of the participation of the Foreign Minister in the meeting at Jahangir Park I had explained that from then onward larger number of non-Ahraris began to take part in the movement.

If it is considered necessary the statement may kindly be ammended on the above stated lines. I hope the unpublished part of my statement does not need any correction or clarification.

Yours sincerely,

Sd/- A.R. Nishtar.

26th November 1953.56th Sitting.

Present:

Hon'ble Mr. Justice Muhammad Munir,
Chief Justice,

President,

Hon'ble Mr. Justice M.R. Kayani,

Member.

Mr. Faiyaz Ali, Advocate-General of Pakistan,
for the Central Government.

Mr. Fazal Ilahi, Advocate, for the Punjab
Government.

Mr. Asadullah Khan, Advocate, for Badr Anjuman-i-
Ahmadiyya, Rabwah.

Mr. Mazhar Ali Azhar, Advocate, for Majlis-i-Ahrar.

Mr. Yaqub Ali Khan, Advocate, for Mian Muntaz Muhammad
Khan Daultana.

Mr. Fateh Muhammad Aziz, Advocate, for Ahmadiyya
Anjuman-i-Ishat'at-i-Islam.

Mr. Said Malik, Ammaer-i-Jama'at-i-Islami, in person.

Maulana Murtaza Ahmad Khan Maikash, Member, Majlis-i-
Amal, in person.

Witness No. 118 (Called by Mr. Daultana)

Sardar Abdur Rab Nishtar, on S.A.-

I was Governor of the Punjab from 2nd of
or

August 1949 up to 16th/17th of November 1951

I am not certain of the date, but a meeting of the Central Cabinet was held some time before the statement of 15th August 1952 was issued. That meeting was attended by Mr. Daultana, the Chief Minister of the Punjab, and, as far as I remember, by Khan Abdul Qaiyum Khan, the then Chief Minister of the North West Frontier Province. Some time before the 14th August a news item had appeared in the press that the Prime Minister would make an announcement with regard to the demands in respect of the Ahmadis on 14th August. This news item appeared in the form of a statement by Maulana Akhtar Ali Khan. I think the meeting was held exclusively for the purpose of considering the demands in respect of the Ahmadis and taking some decision thereon.

Q. Did not Mr. Daultana press in that meeting the point that the Central Government should formulate a clear and definite policy on the issue and that unless that was done, the Punjab Government would find it difficult to cope with the growing agitation in their Province?

(At this stage the witness has asked the Court whether he is at liberty to disclose the information which might be in contravention of section 5 of the Official Secrets

Act, unless the Court orders the information to be communicated to it in the interests of the State. On an examination of the several provisions of the Ordinance under which this Court was constituted, and the relevant provisions of the Official Secrets Act, we consider that it is the duty of the witness to communicate to us the information in the interests of the State within the meaning of section 5 of the Official Secrets Act. The witness is, therefore, required to answer the question.)

- A. My own recollection is that the Prime Minister asked the views of the provincial representatives present on the subject. The representative of the North-West Frontier Province was of the view that it would not be in the interests of the State to take any strong action against those who were sponsoring the movement. He thought that there would be some repercussions of such action on the Frontier Province. He was succeeded by Mr. Daultana who said that no doubt the situation was a difficult one because public opinion was strong on this point, but that if the Central Government took a definite decision that the movement

should be put down, then, with some effort, the Punjab Government would be able successfully to tackle the situation. I do not exactly remember the words used by Mr. Daultana, but this is the gist of what he said.

Q. What was the Prime Minister's own view?

A. I am not sure whether he expressed any view.

Q. What was the decision taken ?

A. I do not know whether I should describe it as a formal decision, but the consensus of opinion seemed to be that the movement should not be put down by force.

Q. Was a draft of the statement, issued on 15th August 1952, prepared at this conference?

A. No. I myself prepared the draft later under the direction of the Prime Minister.

Q. Was any decision taken at that meeting to issue the statement which was eventually issued on 15th August?

A. I am not in a position to contradict this. It may be that the statement was issued as a result of that conference. I am, however, sure that a statement was subsequently drafted by me which

was placed at a meeting of the Cabinet presided over by Chaudhri Muhammad Zafarullah Khan in the absence of the Prime Minister. There was a wide-spread complaint everywhere that Ahmadi officers were abusing their official positions and attempting to convert to their own sect people with whom they came in official contract. The statement, therefore, contained a sentence that complaints had been received against particular sect of this kind of conduct. To this, Chaudhri Muhammad Zafarullah Khan objected, but I told him that he knew that the complaint was against the members of his own sect and that, if he could show me that there was a similar complaint against any other sect, I would certainly agree with him. On this, Chaudhri Muhammad Zafarullah Khan remained silent and the sentence was retained in its original form.

The negotiations between the Prime Minister and the Ulama had been going on even before the date of this conference.

Q. Do you know what was the attitude of the Prime Minister himself regarding these demands?

A. I cannot say what was in his mind, but it seemed to be clear that he was not in favour of accepting the demands and, at the same time, did not wish to use force to suppress public opinion.

Q. Is it correct that the Prime Minister was carrying on

of the Cabinet who happened to be present at this interview were also present at the subsequent interview with the representatives of the Ahmadis.

Q. Who were the representatives of the Ahrar?

A. I can say with certainty about Maulana Ehsan Ahmad Shujabadi only.

We emphasised before the Ahrar as well as the Ahmadis that so long as they propagated their views peacefully, Government had no objection, but that law and order had, in any case, to be maintained and that propaganda should not assume an aggressive or provocative form. I do not know whether any ultimatum was delivered to the Prime Minister by the Majlis-i-Amal. The Prime Minister never mentioned to me that any ultimatum had been delivered to him; nor was such an ultimatum ever placed before a meeting of the Cabinet attended by me.

Q. Do you remember that a conference was held on 26th of June between the representatives of some units of West Pakistan including Punjab, M.W.F.P. and Sind and the members of the Central Cabinet who were present in Karachi on that day?

A. Yes. I was present at that conference.

I think in that conference that Premier mentioned the ultimatum.

We held two conferences; one on the evening of 26th and the other at about 1 o'clock that very night. In the conference held during the evening, the representatives of the Punjab (Mr. Chatha) and the N.W.F.P. (Khan Abdul Qaiyum Khan) very strongly expressed the view that the movement should be put down. Khan Abdul Qaiyum Khan added that there were only two alternatives before the Cabinet, either to smash down the movement or to submit to it. The Prime Minister said that there was a third alternative also, namely, that he should resign, because it was difficult for him to suppress with force a public demand which was supported by all sections of the Ulama. Ultimately it was decided that we should wait till the decisions taken by the Ulama, who were meeting in Karachi at that very time, were known. The meeting was, therefore, adjourned to the following morning.

Q. Did Mr. Chatha say that this was view of the Punjab Cabinet?

A. Yes.

I asked Mr. Chatha and Mr. Ghias-ud-Din Ahmad

and Mr. Anwar Ali who were later on called to the conference, whether they were sure of their being able to suppress the movement if the Cabinet took a decision to put it down. They felt quite sure of their position.

At about 1 or 2 o'clock the same night, I received a telephone call from the Prime Minister's House asking me to see him immediately. Accordingly I went there and found some Ministers and officers already present there. Others came later. Khawaja Shahab-ud-Din also was present. He was present at the previous evening's conference also. The Prime Minister stated that a public meeting had been held at Karachi wherein it was decided that the houses of the Governor-General and the Prime Minister should be pickated from 8 o'clock the following morning and, therefore he had considered it necessary to call a conference at night and decide what action should be taken in the matter. He said that, according to his information, the Ahrar and a couple of Ulama belonging to the section which was led by Maulana Abdul Hamid Badayuni were

in favour of "Direct Action" and that Deobandis, the Ahl-i-Hadith, probably the Shias, and some other sections, although supporting the demands, were not in favour of "Direct Action". I am not sure about the Jama'at-i-Islami. He added that although in the conference of the previous evening he had expressed the opinion that he was not prepared to put down the movement by force because all sections of the Ulama were in favour of the demands, he had changed his view because of the fact that the major section of the Ulama were not supporting "Direct Action" and decided to put down the movement. The conference agreed to this.

Q. Did the Prime Minister say that any action against the Ulama will react on the pending elections in East Bengal?

A. I do not remember that he referred to elections, but in one of these two conferences he did say that since the Deobandi section of the Ulama had great influence in East Bengal, any action against them might create difficulties there.

I remember that a draft had also been prepared by some officer of the Centre, and although I do not exactly remember its terms, my impression is that it proposed a rejection of the demands.

Mr. Chatha, Mr. Abdul Caiyum Khan and some Central Ministers, all supported the draft. My impression is that this was the view of the majority of those present and that the Prime Minister overruled this view.

I read the statement that Khawaja Nazir Ahmad made before this Court and what he stated about me came to me as a painful surprise. What he has stated about my talk with him on the occasion of the Prime Minister's visit to Lahore in January is all wrong. What happened was this. An

article had been contributed by Khwaja Nazir Ahmad to a Karachi newspaper in which he had alleged, among other things, that a non-Punjabi representative of the Punjab on the Basic Principles Committee may have been responsible for the reduction of Punjab's share in the seats in the Central Legislature. As I was the only non-Punjabi representative, I thought that this allegation referred to me. A few days later someone told me that this article had been shown to the Prime Minister by Khwaja Nazir Ahmad before it was published. This aggrieved me very much and when I came to Lahore and, in the course of an interview with a deputation of the bar of which Khwaja Nazir Ahmad was a member, was sitting opposite to him at a table, I told him that I had a grievance against him. He asked me what it was and I took him aside and told him that his reference to me in his article was unjustified. He replied that he himself had subsequently learnt from Khwaja Nazimuddin that the person responsible for the reduction of seats was not I but Mr. Daultana. This disposed of my suspicion against the Prime Minister also, and, therefore, we returned to our respective seats without any further conversation.

Q. Is then the following statement of Khwaja Nazir incorrect:-

"Sardar Abdur Rob Nishtar then told me that my charge against him in the 'Dawn' was not justified and that, in fact, it was Mr. Daultana who had agreed to the reduction of the seats. I then asked him whether the occasion for that explanation was his desire to become the Deputy Prime Minister and for Mr. Daultana to become the Prime Minister."?

A. Yes, it is clearly incorrect.

It is correct that Khwaja Nazir Ahmed had some trouble regarding the "Civil & Military Gazette" and in that connection he had been interviewing the Prime Minister and the Information Minister.

In my opinion the speech by Chaudhri Muhammad Zafer-ullah Khan in Jehangir Park, Karachi, in May gave an impetus to the agitation which the Ahrar in the past had been carrying on against the Ahmadis. It was that speech which caused the other Ulama to step into the movement. I mentioned to Ch. Mohammad Zaferullah Khan my own views about the inadvisability of his joining that meeting of the Ahmadis. According to my impression, he seemed to have realised his mistake.

To Mr. Fazal Ilahi, Advocate, on behalf of the Punjab

Government:-

During the time that I was the Governor, the Ahrar had carrying on propaganda against the Ahmadis. They were demanding that the Ahmadis be declared a non-Muslim minority and accuse Chaudhri Muhammed Zafarullah Khan of being a British agent and criticising his foreign policy.

To Court:-

Q. During your regime, did your Government administer any warning to the leaders of the Ahrar for their anti-Ahmadiyya activities?

A. We gave them a warning only with regard to the use of provocative language. I also told them that the Foreign Minister should not be vilified. Malik Muhammed Anwar, the Chief Adviser, also gave them similar warnings.

To counsel (continued):-

Q. Did you think that the Khatm-i-Nebuwwat conferences, that were being held by the Ahrar in various districts, were meant to further the Ahrar's political ends and to create hatred against the Pakistan Government?

A. My view was that the activities of the Ahrar were attributable to their desire to rehabilitate themselves with the public after they had lost their previous position on Partition.

The result of my interview with Master Taj-ud-Din Ansari is correctly recorded in my note, dated 16th July 1950, Ex.D.E./208.

Q. What did you mean when you said in that note that the Ahrar were attempting to create hatred against the Pakistan Government?

A. I meant that they were vilifying the Foreign Minister. They also used to say things against the Pakistan Government for their failure to remove Chaudhri Muhammad Zafarullah Khan.

Q. Had the Ahrar worked against the establishment of Pakistan?

A. Definitely.

Q. In your dealings with the Ahrar did you ever feel the necessity of consulting the Centre?

A. No necessity arose for such consultations.

I am certain that no decision rejecting the demands was taken in any conference or Cabinet meeting attended by me. If any such decision had been taken, it must have come to my knowledge.

To Mr. Asadullah Khan, Advocate, on behalf of Sadr

Anjuman Ahmadiyya Rabwah:-

The allegation against the Ahmadi officers was a general one but sometimes complaints were made against

particular officers also. No inquiry, however, was made.

Q. You have said that the propaganda of the Ahmadis about their views was reported to be aggressive. How was it aggressive?

A. I will give you an instance. I transferred an Ahmadi Deputy Commissioner from one district to another because even the Commissioner supported a complaint against him of using his influence in converting people. In the next district I received a complaint that a "Tabligh Day" had been arranged with his blessings. This provoked the murder of an Ahmadi. Next, there was a sermon by the head of the Ahmadiyya community that at least one province like Baluchistan should be converted to Ahmadism. I told Chaudhry Zafrullah Khan that this was objectionable and that he might communicate my views to the head of the community. The same view was expressed by me to a deputation of the Ahmadis which was attended by Sh. Bashir Ahmad, Advocate, also.

This deputation told me that they believed in the Holy Prophet as the Khatm-un-Nabiyyeen but said that the word "Nabiyyeen" referred only to that category of prophets who brought a Shariat.

(Volunteered by the witness)

Several Cabinet meetings were held to take stock of the situation after the meeting of the morning of 27th. On 13th or 14th April even a conference was held including the members of the Cabinet and representatives of almost all units of West Pakistan. In the conference the question of declaring the Ahmadis a minority was specifically discussed. In the conference held on the evening of 26th February, the Prime Minister invited the opinion of members present whether the matter should be placed before a meeting of religious divines of all Muslim countries.

To Counsel contd.-

I do not recollect any Ahrar leader having seen me after I administered the warning to Master Tajuddin.

Q. Did you administer any warning to any Ahmadi speaker or Ahmadi leader for any provocative speeches reported to have been made by members of that community?

A. No. I had no apprehension of breach of peace from the Ahmadiyya community, because it was a small community.

It is entirely untrue that in 1943 I opposed a resolution of the Assembly of the North-West Frontier Province in favour

of the establishment of Pakistan. In those days, the Muslim League Ministry was in office after section-92 A regime had come to an end in May 1943, and I being one of the Ministers in the Muslim League Ministry, it is impossible that I should have done any such thing.

Q. Is then the incident mentioned in the editorial of "Al-Jamiyyat", dated 5th December, 1945, Ex.D.E./209, incorrect?

A. Definitely. This paper was opposing me in the election of 1945-46.

To Mr. Mazhar Ali Azhar, Advocate, for Majlis-i-Ahrar:-

Some time before 1944, the Ahrar had passed a resolution, making the establishment of Hukumat-i-Ilahiyya as their goal. Despite this resolution, however, the Ahrar were against partition.

It did come to my notice that the Ahmadis were also against partition and opposed to the establishment of Pakistan.

Q. Did the khutba, Ex.D.E./210, by Mirza Bashir-ud-Din Ahmad, also come to your notice?

A. I do not remember.

It is correct that at one time the Ahrar took a decision that they would not take part in politics. I do not exactly remember the year but it was certainly after the partition. They allied themselves with the Muslim League but opposed all candidates for election who were Ahmadis, whether they were nominated by the Muslim League or they stood against the Muslim League.

Q. Do you know that the list of Ahmadi officers said to have been published by the Ahrar was taken from the Ahmadis' own memorandum before the Boundary Commission?

A. It may be so but I do not know.

Q. Did you suspect the fidelity of the Ahrar after the Partition?

A. It is difficult to answer that question. The Ahrar professed loyalty to Pakistan after it came into existence, but owing to the past history of the Ahrar, the Muslim League continued to be cautious about them.

To Mr. Asadullah Khan by permission of the Court:-

Mr. Daultana did want that the Central Government should take its decision one way or the other about the Ahmadi issue.

To Maulana Murtaza Ahmad Khan Maikash on behalf of the Majlis-i-Amal:-

Either at a conference or a Cabinet meeting, the conduct of Chaudhri Muhammad Zafarullah Khan in attending the sectarian meeting in Jehangir Park, Karachi, and addressing the audience came under discussion. Neither the Prime Minister nor myself approved of the conduct of Chaudhri Muhammad Zafarullah Khan.

The instructions which were issued by the Central Government to the Province in annexure 'O' were not formulated at the conference, nor were the decisions mentioned there actually taken. The decision alleged to have been taken was referred to at a conference held on 13th-14th April and I remember that some of the Ministers, including myself, objected to its accuracy.

Q. Are the instructions in annexure 'O' contrary to the decisions taken?

A. I have already told you that, to the best of my recollection, no decision regarding the demands was taken by the Cabinet. This was my recollection and that of some other Ministers, while some other Ministers appeared to be of the view that the subject of demands was not only discussed but decisions as incorporated in annexure 'O' relating to the demands were actually taken. I am fortified in my recollection that no decision regarding the demands was taken by the fact that if a decision had been taken, there was no necessity for holding a conference on 13th-14th April for deciding these very points.

While I was Governor of the Punjab, it was brought to my notice that the Ahmadis also held public meetings in which they made provocative speeches,

Khwaja Nazimuddin informed me that he had advised Chaudhri Muhammad Zafarullah Khan not to attend the meeting at the Jhangir Park, but I had no occasion to say anything to Chaudhri Muhammad Zafarullah Khan.

It is true that the Muslim League also once took a decision to launch "Direct Action" before

August 1947. Direct Action can be peaceful.

To Court:-

Q. Was a meeting of a sub-committee of the Basic Principles Committee held at Nathiagali in June and July?

A. Yes, I was the Chairman of that sub-Committee. Mr. Daultana was also a member of that sub-committee.

Q. Do you remember if Mr. Daultana also attended the meetings of that sub-committee?

A. Yes. He did attend, but it may be that he did not attend all the meetings.

Q. Did he, during the days that the sub-committee was holding its sittings, mention the demands and emphasised the point that an early decision regarding them must be taken by the Central Government?

A. I do not remember. The Prime Minister was not a member of that sub-committee. While the meetings of the sub-committee were being held, the Prime Minister did not come to Nathiagali.

Q. Did you go for pilgrimage in 1952?

A. Yes.

Q. On your return from pilgrimage, did the Prime Minister discuss the demands with you?

A. Yes, but only one question was discussed and that was in regard to the declaration of Ahmadis as a minority.

Q. Were the demands in your view political or religious in nature?

A. They were both.

Q. It has been stated before us that the three demands followed from the Objective Resolution and the recommendations of the Basic Principles Committee Report. Do you agree?

A. I do not agree with this. None of the three demands followed either from the Objectives Resolution or from the recommendations of the Basic Principles Committee Report. What was urged by the members of Ta'lim-i-Islami Board was that because in the new constitution provision was made for representation of minorities, the Ahmadis also, who, by reason of their creed, could not be considered to be Muslims, should be similarly treated or separate representations provided for them.

Q. While you were Governor of the Punjab, did you think

that, if the Government had reminded the people of Pakistan of the Ahrar's past conduct, that would have condemned them in Pakistan for ever?

A. Yes. I took the view that, if the Muslim ^{League} carried on propaganda against the Ahrar and reminded the people of Pakistan of the Ahrar's past, the Ahrar would be condemned for ever.

Q. Do you think that, if the State is based on the Qur'an and the Sunnah, one of the normal duties of the Government would be to declare whether certain persons or parties are or are not Muslims?

A. No.

Q. Do you believe that Mehdi or Messiah will come?

A. I have not studied this question but the school of thought which I follow accepts this view.

Q. If a person wrongly but honestly accepts the claim of a person to be a Mehdi or a Messiah, does he, according to your school of thought, take himself outside the pale of Islam?

A. I am not sure about it.

Q. If a person honestly believes Mirza Ghulam Ahmed Sahib to be a prophet, is he outside the pale of Islam?

A. Yes, according to my belief.

Q. Will such a person in an Islamic State be liable to the death penalty?

A. There is difference of opinion on that point.

Q. Will the Ahmadis and non-Muslims, if the State is founded on Qur'an and Sunnah, have the right publicity to preach their faith?

A. Yes. They will have this right and a provision about it already exists in the Fundamental Rights.

Q. It has been stated before us almost unanimously by all the Ulama that the minorities will not be permitted this right?

A. I am talking as a Member of the Constituent Assembly which has given this fundamental right to every one.

Q. Is the position of non-Muslims in Pakistan that of Zimmis?

A. No. They are mushiks, not being a conquered people.

Q. Were you present at the meeting of the Constituent Assembly in Karachi on 11th August 1947?

A. Yes.

Q. Do you agree with what the Quaid-i-Azam said in the course of his speech, that every one, no matter to what community he belongs, no matter what his colour, caste

to him what had transpired at the meetings of 26th and 27th February?

A. I do not remember.

Q. Did he ask you what had been decided at those meetings?

A. I do not remember.

Q. Did Mr. Daultana mention to you receiving the Top Secret Telegram (annexure 'O') Ex.D.E.211?

A. No.

Q. Was this annexure referred to in the Cabinet meeting of 6th March?

A. I do not definitely remember.

Q. If the issue of instructions in annexure 'O' were based on a mistake, was the mistake ever corrected?

A. The very fact that these demands were discussed in the conference of the 14th April shows that the contents of annexure 'O' were not accepted as decisions.

The Central Cabinet was dissolved on 17th April.

Q. Will you please name the Ministers who were of the same view as yourself in respect of the contents of annexure 'O'?

A. I can remember only Dr. Muhammad Hussain.

Q. How many Cabinet meetings were held between 27th February and 14th April?

A. Several, but I cannot say how many.

Q. Was it your view that the three demands could not be conceded by the Prime Minister?

A. Yes.

Q. Did you or any other Minister ask the Prime Minister to have the matter decided finally?

A. It was not my function.

To Mr. Yaqub Ali Khan on behalf of Mr. Daultana,
with permission:-

Q. When you were staying with Mr. Daultana did he express a hope that the attitude of the Central Government would be firm?

A. Yes.

R.O. & A.C.

Sd/- M. Munir.
PRESIDENT.

26th November 1953.

Sd/- M.R. Kayani.
MEMBER.

Witness No. 119 (Called by the Punjab Government)

Capt. Nazir Ahmad, Headquarters 10th Division,

on S.A.-

Q. Did you record the statement of Maulana Daud Ghaznavi?

A. Yes.

Q. When?

A. I do not remember the exact date, but it was a few days before the end of Martial Law.

Q. Is Ex.D.E.67 the statement that the Maulana made?

A. Yes.

Q. Was this statement made by him of his own free will or was any coercion or threat used?

A. He made the statement of his own free will and no coercion or threat was used in order to obtain this statement.

The statement was signed by Maulana Daud Ghaznavi.

I handed over the statement to Maulana Daud Ghaznavi, who read it in my presence and then signed it.

Q. Did you also record the statement of Mr. Shibli of "Zaminder", Ex.D.E.155, and when?

A. This statement was made to me, but it was recorded by my assistant, Mr. Rashiduddin, C.I.D.

Inspector. The statement was made on 11th May 1953.

The statement was made in Urdu and I translated and dictated it in English to Mr. Rashid. This statement also was made quite voluntarily and no threat or coercion was used to the deponent.

Q. Why did you take down this statement?

A. I was collecting general information about the disturbances.

Cross-examination by Maulana Murtaza Ahmad Khan

Maikash, on behalf of Majlis-i-Amal:

Q. Did Maulana Daud Ghaznavi come himself or was he sent for by the military?

A. Maulana Daud Ghaznavi was already present when I arrived at the headquarters of Sector No. 2. I cannot say how he happened to be there.

Q. Where was this statement recorded?

A. At the headquarters of Sector No. 2, i.e., Cosmopolitan Club.

Q. Was this statement taken down in a room or in an open place?

A. In a room.

Most of the statement was dictated by Maulana Daud Ghaznavi in English. Some portions of the statement were made in Urdu and I translated them in English and wrote them with my own hand.

Cross-examination by Mr. Yaqub Ali Khan, on behalf of Mr. Daultana:-

Q. Before you started collecting evidence in connection with the disturbances, were you given any instructions, and if so, by whom?

A. I was given no definite instructions. The general instruction was that I was to collect some useful information in regard to the disturbances.

Q. What were you trying to find out?

A. It is for the Headquarter Commander to answer.

The instructions directed me to interrogate some named persons including Maulana Daud Ghaznavi and Shibli.

Q. Were you directed to elicit any specific information from the persons interrogated?

A. No. The procedure adopted by me was that I required the person interrogated to tell me anything he knew about the disturbances.

Q. Did you put any questions?

A. Generally they narrated a story, though on occasions I put a few questions.

Q. Can you say which questions you asked?

A. I do not remember.

Q. Were you told that you were to collect evidence which might involve the previous Ministry?

A. Definitely not.

Q. Maulana Daud Ghaznavi alleges that he was kept there for several hours before his statement was taken. Is that correct?

A. That is not correct.

As Maulana Daud Ghaznavi was already at the Headquarters, I cannot say how long he had been there before I recorded his statement. It did not take me more than half an hour to complete his statement. I attended to many other official duties on that day besides recording the statement. I recorded the statements of several persons on that day.

Q. Did you put any suggestive questions?

A. No.

After the statements were recorded I handed them over to my senior officers.

Q. Were there any police officers associated with you in this work?

A. Only one and he was Mr. Rashiduddin Inspector.

Q. Did he bring any papers to you when you were interrogating?

A. No.

R.O.&.A.C.

Sd/- M.Munir
PRESIDENT.

26th November 1953.

Sd/-M.R. Kayani
MEMBER.

Proceedings adjourned till tomorrow.

Sd/- M.Munir
PRESIDENT.

26th November 1953.

Sd/- M.R. Kayani
MEMBER.

28th November 1953

58th Sitting.

Present:

Hon'ble Mr. Justice Muhammad Muhr
Chief Justice, President,

Hon'ble Mr. Justice M.R. Kayani, Member.

Mr. Fazal Ilahi, Advocate, for the
Punjab Government,

Mr. Faiyaz Ali, Advocate-General, Pakistan,
for the Central Government,

Mr. Yaqub Ali Khan, Advocate, for Mian
Muntaz Muhammad Khan Deultana,

Mr. Mazhar Ali Azhar, Advocate, for the
Majlis-i-Ahrar,

Mr. Bashir Ahmad, Advocate, for Sadr Anjuman
Ahmadiyya, Rabwah,

Mr. Fatah Muhammad Aziz, Advocate, for
Ahmadiyya Anjuman-i-Ishat 'at-i-Islam,

Maulana Murtaza Ahmad Khan Maikash, Member,
Majlis-i-Amal,

Mr. Saeed Malik, Member, Jama'at-i-Islami, in
person.

RA).

WITNESS NO. 120 (Called by the Jama'at-i-Islami):-

Khwaja Nazim-ud-Din, on solemn affirmation:-
(It is requested by Mr. Saeed Malik, on behalf
of the Jama'at-i-Islami, that Mr. Nazir Ahmad
Khan, counsel for the Jama'at, may find it
possible to appear in Court within a few

minutes. In view of this the Court will examine the witness first and if Mr. Nazir Ahmad Khan turns up in the meantime, he will be permitted to examine him.)

I was Prime Minister of Pakistan from about 17th October, 1951, to 17th April, 1953.

Q. You remember there was a meeting of the sub-committee of the Basic Principles' Committee at Nathiagali in the hot weather of 1952. On the conclusion of the meeting of that sub-committee, did Khwaja Shahab-ud-Din or Dr. Ishtiaq Husain Qureshi convey to you the views which Mr. Daultana, the Chief Minister of the Punjab, had mentioned to them at Nathiagali regarding the Khatm-i-Nabuwwat movement?

A. To the best of my recollection, neither Khwaja Shahab-ud-Din nor Dr. Ishtiaq Husain Qureshi made any reference about any conversation they had had on this subject with Mr. Daultana. Khwaja Shahab-ud-Din in those days was the Governor of the N.W.F.P. and did not come to Karachi before the date of the conference that was held in Karachi about the 8th of August. Even then he did not mention to me

anything about what Mr. Daultana alleges to have told him.

Q. Was Mr. Daultana present in the conference held on 7th or 8th August in Karachi?

A. Yes. It was, however, an informal conference.

Q. Did Mr. Daultana in that conference emphasise the necessity of a clear, definite and unequivocal policy with respect to the three demands about the Ahmadis?

A. As far as my recollection goes, those who were attending the conference, especially representatives of the Provinces, were asked to express their views as to the statement which I had to make on the Independence Day. In that connection the whole question was discussed and Mr. Daultana's main burden of the song was that if any decision was taken it would be possible politically to meet it though it would require great effort.

Q. Did the conference take the following decisions:-

- 1) It was not possible or politic at that stage to accept or reject the demands.

2) Direct clash with the Ulama was to be

avoided, personal influence was to be exerted to restrain them from any extreme action and discussions in respect of the demands were to be carried on with them.

3) A Government communique was to be issued to ensure that Ministers or officials of any particular sect did not abuse their official position to the advantage of that sect.

A. There was no decision taken on items Nos. 1 and 2, but in view of the general trend of the discussion, there was unanimity of opinion that the best way to meet the situation was to adopt the principles enunciated in the communique as mentioned in item No. 3. The decision about the communique was formally put before the Cabinet on the following day and carried. Curiously enough, I happened to be absent from the Cabinet on that day.

Q. Did Khwaja Shهاب-ud-Din, after the conference, tell you that Mr. Daultana was dissatisfied with the result of the meeting?

A. Certainly not, because the decision had been taken unanimously.

Q. Did Mr. Daultana interview you at Murree on 26th August?

A. Yes.

Q. Did he then press upon you his point of view, namely, that a decision about the demands should be taken as early as possible so that Government's attitude towards the issue be quite clear?

A. Yes.

Q. Did Mr. Daultana meet you at Karachi on the 3rd or 5th of September of the same year?

A. I do not remember.


Q. If the conference on 7th or 8th August had come to certain conclusions unanimously, how is it then that Mr. Daultana in his interview with you at Murree on 26th August press upon you the necessity of taking an early decision in regard to the demands? At this stage Mr. Nazir Ahmad Khan, counsel for the Jama'at-i-Islami, has turned up.

A. Since the matter primarily concerned his Province, he was anxious that there should be a clear

formulation of policy though at no stage did he suggest what exactly the decision should be.

In the conference of 7th or 8th August, Mr.

Daultana had said that even if the Centre rejected the demands, although he would have to work hard, he would be able to make the people agree to the decision by propaganda thorough the Muslim League. My object was to find a solution and I told the



various deputations that human ingenuity ought to be able to find a solution without accepting or rejecting the demands.

Q. Was there a meeting of the Working Committee of the All-Pakistan Muslim League held at Dacca in October 1952?

A. Yes.

Q. Did Mr. Daultana in the meeting of the Working Committee propose that a clear decision with respect to the demands and the agitation that was then going on, be taken?

A. No. And there is no record of it in the office.

Q. After the meeting of the Muslim League at Dacca, did Mr. Daultana in any subsequent interview with you mention the subject and ask for the formulation of a clear policy?

A. I do not recollect the date of any interview, but it is correct that subsequently Mr. Daultana, when discussing the question, did say that some decision should be taken regarding the demands.

Q. Did Mr. Daultana have any talk with you on the subject when you came to Lahore on 16th or 17th February 1953?

A. I discussed the matter with him.

Q. What was his viewpoint in the course of the talk

he had with you?

A. In the course of my talk with him, Mr. Daultana again said that some decision should be taken about the demands. It was in the course of this discussion that I told him that I was not prepared to take on a head-on fight with the Ulama on this issue. Almost all the Ulama were unanimous in the matter of demands, though they were not agreed either as regards the advisability of the ultimatum or the launching of direct action.

The communique which was issued in August had the effect of very much subsiding the tempo of the agitation.

Q. Was a copy of the resolution passed by the Punjab Provincial Muslim League in connection with the demands submitted to you as President of the All- Pakistan Muslim League?

A. I do not remember, but it is quite possible; indeed it is probable that a copy of the resolution came to me. I do not remember my Political Secretary having put up before me any copy of the resolution that was passed by the Provincial Muslim League at Lahore in July 1952.

Q. Who delivered to you the ultimatum?

A. I do not remember their names with the exception of Maulana Abdul Haamid Badayuni and Pir Sahib of Sarsina Sharif. Perhaps Sayyed Muzaffar Ali Shamsi also was with them.

Q. Was the ultimatum in writing?

A. I am quite definite that the ultimatum was read out to me.

Q. Do you remember what was the exact word used for "Direct Action" in that ultimatum?

A. I have no recollection.

When some of the Ulama came to see me in Lahore on 16th February, I told them that before they took any action, they should have further discussion with me in Karachi. Before my meeting the Ulama at Lahore, they always themselves used to express a desire to see me and my interviews with them took place in the presence of Sirdar Abdur Rab Nishtar, Mr. Gurmani and Mr. Fazlur Rahman. When after my interview with them in Lahore, they came to see me in Karachi, only Sirdar Abdur Rab Nishtar was present. The deputation consisted of Maulana Abdul Haamid Badayuni, Maulana Suleman Nadvi, Maulana Ehtishamul Haq, Mufti Muhammad Shafi and Maulana Akhtar Ali Khan. In the course of the interview Maulana Ehtishamul Haq wrote something on a piece of paper which he passed to the others. I do not know what was written on that paper, but it appeared to me to be a suggestion because all those to whom this paper was passed, seemed to express their agreement with

proposal with the exception of Maulana Abdul Haamid Badayuni. Maulana Badayuni said that members of the Punjab Action Committee were coming from Lahore and that there should be a further meeting on the following day.

Next day, before the train from Lahore had arrived, Maulana Badayuni rang me up, saying that in the interview that was to take place with the Ulama of the Punjab, those Ulama who had met me on the preceding day should not be called. Maulana Akhtar Ali Khan was still present in Karachi and I asked him to stay for the interview. He, however, had some urgent business in Bahawalpur and left.

My office telephoned to Maulana Akhtar Ali Khan to return to Karachi, but he said that he could only come if the Vikings were sent to him, because he had to return to Lahore where his father was ill. The interview with the Punjab representatives was held in the presence of Sirdar Abdur Rab Nishtar. I do not remember the names of all those who attended, but Maulana Badayuni was certainly present in that interview. Others whose names I remember were Maulana Taj-ud-Din Ansari and Sayyed Muzaffar Ali Shamsi. There were, of course, a few more with them. I had accepted Maulana Badayuni's suggestion that Maulana Ehtishamul Haq and others should not be invited to the meeting. On the first day of the interview I got the impression that Maulana Akhtar Ali Khan

was anxious for a settlement, and it was for this reason that I was anxious for his staying on in Karachi. Maulana Akhtar Ali Khan is a fickle-minded person. When he saw me⁴ when he went to Lahore, he sided with the other side.

Q. Did Mr. Daultana have a talk with you over the telephone on 25th and 26th February, 1953?

A. Yes. I think it was I who rang him up on the 25th.

Q. Did Mr. Daultana, in the course of the telephonic conversation, tell you that the Punjab Government would support any decision taken by the Centre and that in his view, the Central Government should remain firm?

A. I give you the gist of the talk that took place. It is this:-

On 25th, as far as I remember, I rang up Mr. Daultana and asked him to come to Karachi for this informal conference. He pleaded his inability to attend. He said he had some heart trouble and that his doctor had advised him not to travel by air. He, however, said that, if the conference were delayed by a day or two, he could come by train. The ultimatum was going to expire on the 26th and the conference had to take place on the 26th. His arrival on the 27th would have been useless. His Excellency the Governor-General was leaving for Lahore on the 26th. I mentioned

him that both Mr. Daultana and the Governor were willing to come to this conference. I am quite definite that the Governor also was not willing to come to Karachi for the conference, though I cannot now give reasons for his unwillingness or inability. I spoke to His Excellency the Governor-General and he promised that he would send with these gentlemen to Karachi, the Chief Minister for certain. I learnt later that as soon as His Excellency the Governor-General got down from the plane in Lahore, he spoke to His Excellency the Governor and the Chief Minister and expressed upon them the necessity of going to Karachi. They both pleaded their inability to go. His Excellency the Governor-General took both of them in his own car, came to the Government House and went straight to the room where the secret-phone was and phoned to me. He told me that the Chief Minister had been advised by his doctor not to travel by air and the Governor also was unable to go, but that they were sending one of the Ministers with two officials. Then he handed over the telephone to Mr. Daultana and conversation took place between us in the presence of His Excellency the Governor-General and His Excellency the Governor. Mr. Daultana assured me over the phone that his Cabinet had met and discussed this question and had

come to a unanimous decision that the demands should be rejected and action taken against them. He also told me that Mr. Chatha was being sent with a definite mandate from the Punjab Government to place it before the conference. He assured me again and again that the Punjab Government was unanimously supported by their officials and that whatever Mr. Chatha would say would be on his behalf and his Cabinet's behalf. Then the Governor also talked to me and explained the reason why he could not come. I do not remember what was the reason at the time.

On every occasion, when this issue came to the forefront, I called a conference of the Chief Ministers of the Provinces and Governors of the Provinces concerned and decisions were taken at the conference after a very thorough and exhaustive discussion and consideration of all points of view and all aspects of the question. It so happened that in both these conferences there was no representative of East Bengal Government. Neither the Governor nor the Chief Minister was present or asked to attend, because it is practically not a problem in East Pakistan.

The conference held on the evening of 26th February was attended by all the members of the Central Cabinet, with

the exception of Mr. Fazl-ur-Rahman, the Governor and the Chief Minister of the North-West Frontier Province, the Governor of Sind and Mr. Chatha, Revenue Minister Punjab. For a short while, the Inspector General of Police and the Home Secretary of the Punjab were also asked to come in. The general question that was discussed at the conference was how the situation that had arisen should be dealt with. During the conference I received a report from the Central Information Bureau that the Committee of Action had decided to start what is called civil disobedience after Juma prayers on the 27th. The conference met after the maghrib prayers. I asked the conference that final decision would be taken at a meeting in the morning at 8 o'clock. As I had received the report that there had been a lot of opposition in the meeting of the Action Committee and some of the representatives of the Ulama group were not in favour of Direct Action, at my request, but with great reluctance, because the representatives from the N.W.F.P and the Punjab was anxious to return that very night, they agreed to meet early in the morning at about 7.30 I think. At about 10.30 or 11 o'clock at night, Col. Iskandar Mirza and, I think, General Musa, came along, later on followed by Mr. Naqvi and Mr. Kazim Raza, and told

me that in a public meeting the Ulama had asked volunteers to assemble at Jehangir Park at about 7 or 8 in the morning and batches would be sent from there to the houses of the Governor-General and the Prime Minister for picketing. So, I immediately decided to call the Cabinet and the representatives of the Provinces and they arrived by about 12-30. I told them that our hands had been forced, that the Ulama had publicly announced that they would start the civil disobedience the next morning and, therefore, it was necessary to meet and decide. I told them that now we must take all necessary steps to fight this movement and the fact that the representatives of a large number of Ulama of the various sections were against it, had helped me to make up my mind to fight the issue and I announced it as a decision. Then a long discussion took place on the language of the communique. Mr. Aziz Ahmad, the Cabinet Secretary, had drafted a possible communique, rather a draft communique, which was read out in the conference. I did not agree with that draft. I felt that Government had a cast-iron case on the law-and-order issue. No Government could surrender to Direct Action on the part of the people and Government would be carrying out its primary

duty by taking action against those who violated the law and made administration impossible. I felt that I could count upon the support of the sensible and sober section of public at least as long as I could confine myself to the law-and-order issue. The majority of those in the conference, particularly the officials, were strongly of the opinion that the communique should contain a rejection of the main demands and a clear-cut enunciation of the policy of the Government on the main issues. The discussions went on till about 3 a.m. Sirdar Abdur Rab Nishtar was one of those whose strongly supported me. On the other hand, the representatives from the Punjab and North-West Frontier Province and, particularly the Punjab officials, were strongly in favour of going the whole hog, namely, to reject all the demands and give a clear enunciation of the policy of Government on this issue. Ultimately, I declared that this was my final decision that we must confine the struggle to the law-and-order issue. Then the question of drafting the communique, on the lines of my decision, was entrusted to Mr. Aziz Ahmad and Mr. G. Ahmad. At the same time, I agreed I cannot swear if it was in that meeting or later that a secret, wire should be sent to the Province, informing

them that, through private channels, propaganda should be carried on on the lines mentioned in the telegram, the idea being that the other side of the issue had never been properly put before the public, that steps should be taken to point out the inherent difficulties in accepting the demands and ground prepared, so that on a suitable occasion, if Government were to decide to take action, it might take such action.

Q. Does the secret telegram, Ex.D.E.211, (Annexure O) correctly represent what you had decided?

A. Yes.

Q. Was the correctness of the contents of this documents subsequently questioned by any Member of the Cabinet?

A. Yes. It was alleged that the instructions in Ex.D.E. 211 were not Cabinet decisions on the issue. This, in a sense, is correct because the decisions were of a conference and not of the Cabinet.

Q. Is it not correct that some Minister or Ministers contended that although these matters had been discussed in the conference, no decisions had been

taken on them.

A. To the best of my recollection, it is not correct.

Even on the 13th, 14th and 15th of April, when a conference took place for discussing these very issues, my stand was the same, and this explanation was accepted by the Ministers in question.

Q. Was the draft that Mr. Aziz Ahmad showed to you in the first instance and which was read in the conference, prepared by him before the conference took place?

A. Yes.

Q. Was Mr. Aziz Ahmad present throughout the deliberations of the conference?

A. Yes, though in the night meeting he came a little later. He was, however, told what had already taken place.

The draft originally prepared by Mr. Aziz Ahmad was a lengthy, argumentative and not a concise document. It purported to reject the demands and gave reasons on behalf of the Central Government for rejecting them.

Q. Will you now look at Appendix 55 to Mr. Daultana's statement and say whether it correctly represents

what transpired at the conference on 26th and 27th ?

The following statements contained in this document

are wrong:-

- 1) "That I told the conference how I had been able to manage the situation so far and how I had kept the Ulama under control through my personal influence."
- 2) I do not remember any reference to Ajma'-i-Ummat in that conference; nor do I remember Khan Abdul Qaiyum Khan saying that "such a course of action (the reference here is to Ajma'-i-Ummat) would be tantamount to the surrendering of the sovereignty of Pakistan."
- 3) The second sidelined portion at page 2 of the appendix against figure "(2)" is not quite correct. It may be that by way of introduction he might have referred to the resolution passed by the Provincial Muslim League. I am, however, quite definite that the position taken up by him was that the demands should be rejected straightaway, that firm action should be taken to

deal with the situation that might arise by the rejection of the demands, that Government should surrender on no account and that the fight should be to the finish.

- 4) I am quite certain that what is stated against figure "(5)" at page 3 of the appendix is incorrect. (Paragraph 5 says that the Punjab Government pointed out in the conference that the movement would assume gigantic magnitude and that it might be necessary to resort to shooting and firing which could only be done if the Central Government backed up the Punjab Government with full force and confidence. It also mentions that the Home Secretary, Mr. Ghias-ud-Din Ahmad, and the I.G.P., Mr. Anwar Ali, were also summoned to the conference. They gave details of the whole situation and corroborated Mr. Chatha on all points). These two officers were called to the meeting merely to ascertain from them whether they would be able to deal with the situation if the demands were

rejected. They both assured us that they would be able to deal with the situation.

- 5) The sidelined portion at page 4 of the appendix is substantially, but not entirely, correct. What happened was that Khan Abdul Qaiyum Khan and Khwaja Shahab-ud-Din both were for crushing "Mullaism" and suggested that not only on this occasion but on future occasions also Government will have to take drastic action against the Ulama. I intervened and said that if I had to take drastic action and crush the Ulama, I was not prepared to continue as Prime Minister. I felt that if the Ulama did not listen to reason and realise that they were endangering the safety and stability of Pakistan, they should be shocked into this realisation by my offering to resign.
- (6) It is wrongly stated at page 5 of the appendix that I opened the discussion by placing a paper on the table. What is suggested here is that I produced a written declaration delivered

to me by the Ulama. This is not correct because no written declaration was delivered to me and I placed no such declaration on the table, as stated in the appendix.

- (7) At page 6 of the appendix the entire reference to the East Bengal is without any basis. It is obviously incorrectly stated in this portion of the appendix that the Barelvis were not in agreement with the advocates of the demands. Maulana Abul Hasnat and Maulana Abdul Haamid Badayuni are both Barelvi and they were both leaders of the direct action movement.
-

Q. Did you say anything over the telephone to Mr. Daultana about the intended arrest of Maulana Akhtar Ali Khan?

A. Yes, that is correct. But what I said was that the editor of "Jang", Mir Khalilur Rahman, had approached me and pointed out that if Maulana Akhtar Ali Khan was arrested, his old father, Maulana Zafar Ali Khan, had threatened to come and join the movement; therefore, in deciding the question of his arrest, I told Mr. Daultana to take that aspect of the question into consideration. So far as I was concerned, however, I pointed out to him that I would not interfere and that he had got to decide what steps he should take. I further told him that I had only brought to his notice what had been represented to me.

Q. Before he issued the statement of 6th March, did Mr. Daultana have any conversation with you over the telephone about the contents of that statement?

A. Yes.

Q. Will you please let the Court know what that conversation was?

A. I was at the Cabinet meeting when I was informed that Mr. Daultana was on the 'phone and wanted to speak to me. I left the meeting and went to the 'phone, which was in the adjoining room, and as soon as I learnt that he was not talking on the sacro-phone but on the open telephone and it had something to do with the troubles in Lahore, I asked my colleagues to come into the room and to listen to the conversation. I repeated to them what Mr. Daultana told me on the 'phone. I told him that there was a Cabinet meeting going on at that time, that I would place before the Cabinet what he had stated, and that he should not take any action until he had heard from me. I believe everything was being taken down by my Private Secretary. Mr. Daultana told me that he could not wait for more than half an hour and that we must let him know within that period. The call from Mr. Daultana came at 11 a.m. At 11.45 the

Governor rang me up and I gave the same message to him also, that they were not to take any action and that the Cabinet had not till then come to any decision. We did not want the Chief Minister to know what action we were taking. The Defence Secretary, Mr. Iskandar Mirza, was in the room attending the Cabinet meeting and as soon as we got the Chief Minister's telephonic message, we sent him to contact General Azam, get a report on the situation in Lahore and warn the military for immediate action for taking over. After Mr. Iskandar Mirza had returned, he informed us that he had contacted General Azam and given our instructions to him and that he was taking steps to take over.

Q. Did Mr. Daultana, in his telephonic message, tell you that he intended to issue a public statement appealing to the public to stop the agitation as the Punjab Government was prepared to place the popular demands before the Central Government and to support them.

A. Yes, he said something to this effect, and what he said, as far as I remember, was taken down in

writing by some Secretary, probably Ali Asghar.

Q. Was there a meeting of the Cabinet held on 8th March, which was attended by Mr. Muhammad Khan Leghari, a Punjab Minister?

A. Yes.

Q. What was the purport of his talk with the members of the Cabinet?

A. He just told us what the Chief Minister and his Cabinet had done, and delivered the message that he had brought from his Government.

Q. Do you remember if any inconsistency in the Punjab Government's attitude as mentioned to Mr. Leghari?

A. Yes. We pointed out to him that his colleague, Mr. Chatha, had impressed upon us that there should be no surrender, and that their assessment of the situation was that they would have no difficulty in controlling it. We told him that their Home Secretary and Inspector-General of Police had also assured us that they could tackle the situation. We asked him how was it that they had collapsed and surrendered to the agitators. We also inquired of him as to what would

have been the fate of Lahore, particularly the Civil Station, if the military had not taken over. We however, did not question him very much because we knew that he was finding himself in an embarrassing position.

Q. Did you also say to Mr. Daultana in your meeting on the 16th and 17th February, 1953, at Lahore, that in the present international position the demands could not be conceded?

A. I made this answer, but I think it related only to the removal of Chaudhri Muhammad Zafarullah Khan from the office of Foreign Minister.

The first time when Mr. Daultana discussed the Qadiani question with me was, I believe, on the 4th of August and, in the course of discussion, I pointed out to him that according to the report I had received from my Information Minister, Dr. Ishtiaq Hussain Qureshi, Mir Nūr Ahmad had been supplying material to the various papers in support of the anti-Qadiani movement. I further pointed out to him that all the opposition papers, namely, the "Pakistan Times", "Imroz",

"Nawa-i-Waqt", and the "Civil & Military Gazette", for

one reason or another, were silent on this issue, and

that it was only the papers that were controlled by

Government and Mr. Daultana himself which were fanning
the

the agitation, the worst culprit being "Zamindar",

which, I had been informed could be controlled by him.

Mr. Daultana told me that the Urdu papers depended for

their existence on their circulation and as that was a

popular theme and meant increase in their circulation,

it was very difficult to stop them. He further said

that their object was to control the cirulence of the

campaign in the papers by advice. I impressed upon him

that the best method of tackling the situation was to

prevent the papers from fanning the agitation and

that he was the only person who could do so as these

papers depended upon him for their patronage.

To Mr. Nazir Ahmed Khan, for Jama'at-i-Islami:-

Q. Did Maulana Maudoodi ever meet you at all?

A. I do not think so. It is absolutely wrong, if alleged

by anybody, that Maulana Maudoodi used to attend the

meetings of the convention in the morning and used

to see me in the evening in Karachi in January 1953.

Q. You have stated that, according to the information received by you on the night of 26th February, some of the Ulama were against the Direct-Action step. Was Maulana Maudoodi mentioned to you as one of the persons against that step?

A. Yes, this is so.

Q. Is it within your knowledge that the Jama'at-i-Islami led by Maulana Maudoodi did not take any part in the Direct-Action movement?

A. I cannot say whether he or the Jama'at-i-Islami took any part in the Direct-Action movement. Whatever information I had has already been given by me.

Q. Kindly look at Exhibit D.E./212, particularly the side-lined portion, and say whether you made this speech in the Assembly

A. Yes. I did make this speech. The Jama'at-i-Islami was one of the organisations to which I referred favourably in my speech, but the following sentence in the speech, namely, "This was because they felt that the movement was against the interests of the of the State" is not in reference to the Jama'at, because Maulana Maudood's own reasons for dissociating from Direct Action was that the time was not ripe for it.

Q. When did Maulana Maudoodi say that the time was not yet ripe for Direct Action?

A. According to my information, Maulana Maudoodi did not attend the meeting of the convention on the 26th. He sent someone to attend on his behalf with a letter and, in all probability, this attitude of the Maulana was mentioned in that letter. It may equally well be that he defined his attitude in some other speech which was reported in the papers or in some pamphlet or newspaper.

Q. Do you know whether Maulana Maudoodi was in favour of sending the ultimatum?

A. As far as my information goes, he did not associate himself with the ultimatum. Actually, I doubt whether he was aware of the decision that had been taken to send the ultimatum.

Maulana Maudoodi was not included in the persons who were ordered to be arrested on 27th. This was, however, without any prejudice to the Provincial authorities acting to the contrary. The Maulana was not in Karachi on 27th. He was arrested by the Punjab Government much later. Nor was Maulana Sultan Ahmad, Ameer-i-Jama'at-i-Islami, Sind and Karachi, ordered to be arrested by the Central Government, which meant the Karachi administration. Maulana Maudoodi was not arrested under the

orders of the Central Government. The statement of 19th March in the Assembly was made by me on the basis of information that I had till then received.

I did receive a telegram purporting to have been sent from Lahore on 4th March by Maulana Maudoodi, Maulana Daud Ghaznavi and Mufti Muhammad Hasan, requesting me to intervene because the situation in the Punjab was deteriorating. This telegram was actually placed before me on the following day, though received on 4th March. Maulana Maudoodi sent me another telegram on 5th March also.

Q. Did you acknowledge these two telegrams?

A. Yes, I sent a telegram on 5th March to the Chief Minister, Punjab, asking him to convey my message to the Maulana.

Q. What was that message?

A. As far as I remember, my message to the Maulana was that so long as law and order was not restored any negotiation was out of question.

I do not remember having received any other request from Maulana Maudoodi.

Q. When did the three demands first come to your notice?

A. I have no recollection. There were so many deputations coming to me in this respect. It may be that I first heard of the

demands in July 1952. The question of Ahmadis being declared a minority was mooted earlier, but it is a fact that this demand came into more prominence after Chaudhri Muhammed Zafarullah Khan's speech in Jehangir Park, Karachi, in May 1952.

Q. What was the Cabinet reaction to the conduct of Chaudhri Muhammed Zafarullah Khan's speech?

A. As far as that speech was concerned there was nothing in it to which serious exception could be taken.

The decision regarding the issuing of the communique was taken in the Cabinet meeting on the 11th August.

Q. Did you have any talk with Chaudhri Muhammed Zafarullah Khan about the speech that he made in Jehangir Park?

A. He just gave me a gist of what he had spoken and I made no comments on it.

Q. I knew that Chaudhri Muhammed Zafarullah Khan was going to make a speech in Jehangir Park and I had strongly advised him against attending the meeting.

Q. How did the matter happen to come up before the Cabinet on 11th August?

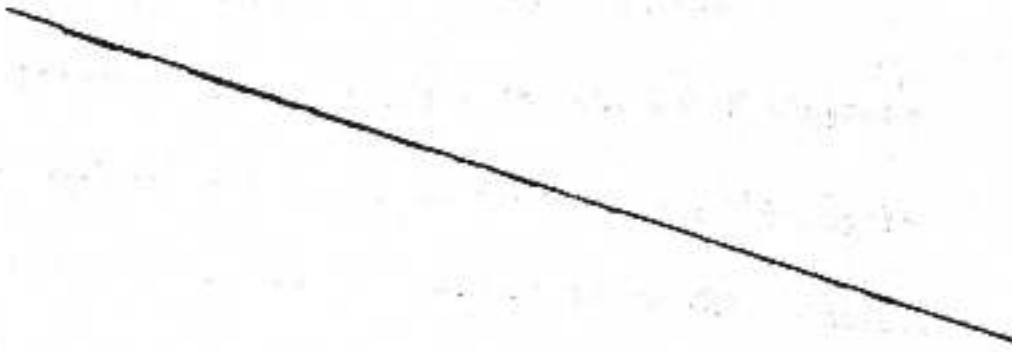
A. In one of the press conferences Maulana Akhtar Ali was present and after their business was over they came

to have off-the-record conversation. Maulana Akhtar Ali raised a question about this agitation and the demand for declaring Ahmadis a minority. Instead of discussing this with him, I told him that I would deal with this question in my speech on the Independence Day. At the same time, the Chief Minister of Punjab, while in Karachi about the first week of August, placed this question before me. I immediately decided to have an informal conference and invited the Governor and the Chief Minister of the N.W.F.P. and the Chief Minister of the Punjab. I think these persons were already in Karachi because of the meetings of the Basic Principles Committee. I called a conference, absolutely informal, in which the following were present:-

- (1) The Governor of Sind,
- (2) the Governor of North-West Frontier Province,
- (3) the Chief Minister of N.W.F.P., and
- (4) the Chief Minister of the Punjab,

besides the Cabinet Ministers, except Sir Muhammad Zafarullah Khan. The whole question was discussed threadbare and as a result of this discussion all those present were

unanimously of the opinion that, if the principles enunciated in the communique were properly given effect to, the main grievances, which had led to this demand, would disappear and that, therefore, the demand would not be pressed; that is to say, the conference went into the root causes of the demand and tried to remove the apprehensions and grievances of the Ulama and the masses and it was felt that as a result of the stringent orders abuses would stop and the demand would not be pressed.



Q. Did Khwaja Nazir Ahmad, managing proprietor of the "Civil & Military Gazette, Lahore," meet you in Karachi in March 1953?

A. I think so.

Q. In your talk with him, was it mentioned that if the statement issued by Mirza Bashir-ud-Din Mahmud Ahmad earlier were clarified, the situation might improve?

A. As far as I remember, Khwaja Nazir Ahmad came to me with certain proposals and asked me that if he could get the head of the Ahmadiyya community to issue a statement, it might be of some help in solving the problem. Unfortunately I do not remember the formula. I suggested certain amendments. I have a vague recollection that he said he would discuss the matter with Chaudhri Muhammad Zafarullah Khan first and then go to Rawalpindi for getting the statement approved by the head of the Ahmadiyya community.

Q. Can you give the date of this incident?

A. It may be between the 6th and 10th March, may be

later, but I definitely recollect that it was a few days after the proclamation of Martial Law. It was Anwara Nazir Ahmad himself who broached this subject. He told me what he intended to do, namely, that he would persuade the head of the Anmadiyya community to make a statement of which he had the text. I said that, if he could make the head of that community publicly declare that Ahmadis do not consider those Muslims who do not believe in Mirza Ghulam Ahmad Sahib to be kafirs in the sense in which the general body of Muslims understand the term, there might be some improvement in the situation. I definitely remember that in the course of a discussion with him, Chaudhri Muhammad Zafarullah Khan had mentioned it to me that according to his guide, I was a kafir, but for political, social and other purposes I could be treated by him as a Musalman.

Q. What is your own opinion about the Ahmadis?

A. It is religious question and I shall be prepared to accept the fatwa of 90% of the Ulama on this question.

Q. Did the three demands ever come up for discussion

before the Cabinet in 1952?

A. Yes. The matter was discussed in what I have already stated to be an informal conference which was attended by members of the Cabinet with the exception of Chaudhri Muhammad Zafarullah Khan. The decision taken by the conference was placed before a meeting of the Cabinet which was presided over, in my absence due to illness, by Chaudhri Muhammad Zafarullah Khan.

Q. Was there any other occasion when these demands were discussed in the Cabinet in 1952?

A. This question came up as early as 1951. It was Chaudhri Muhammad Zafarullah Khan himself who raised it. He drew the attention of the Cabinet to the murder of three Ahmadis and the speeches that were being made against the Ahmadis. He also complained that while the Ahrar were allowed to hold a meeting at Karachi, Ahmadis were not. The then Home Minister promised to place a paper before the Cabinet. The paper was placed and reasons given why the Ahrar were

allowed to hold the meeting. It was purely from the law-and-order point of view that the Ahmadis were not allowed to hold a meeting because it was felt that there was no danger of breach of peace when the Ahrar held the meeting but that when the Ahmadis wanted to hold a meeting there did exist such an apprehension. There was, thus, no differentiation made between the Ahrar and the Ahmadis. The Cabinet, however, decided to tell the Provincial Government that they should take steps to prevent embitterment of relations between the various communities or sects. The decisions taken were conveyed to the Provincial Government by a secret letter.

Q. Did the Cabinet ever consider the question of rejection or acceptance of the demands in 1952?

A. Yes, in August 1952.

Q. Did the Central Government publicly announce their attitude towards the demands in 1952?

A. No, but I maintain that the communique of August 1952 did define the Central Government's attitude.

Q. Did Chaudhri Muhammad Zafarullah Khan ever complain

to you of the campaign of vilification that was going on against him in 1952?

A. He made no complaint in 1952 but a complaint to this effect had been made by him to the late Qasid-i-Millat.

Q. Did the All Pakistan Muslim League consider the demands in 1952?

A. No.

Q. Did the Central Government issue any statement in regard to the demands in 1953 before the proclamation of Martial Law?

A. No.

Q. Did it come to your notice that in 1952 the Ahrar and the Muslim League were working together in the Punjab?

A. No, not in 1952.

Q. Did they so work in the 1951 elections?

A. I was then the Governor-General and know nothing about it.

Q. Did any Ahrar leader see you in 1952 and say

that they were working with the Muslim League?

A. No.

Q. Did you ever hold out to the Ulama that the demands would be considered on their merits?

A. As far as I remember, my approach to the demands had always been that they were impracticable and this should have given an impression to the Ulama that the demands were not acceptable to the Government.

Q. Did you ever clearly tell the deputationists that the demands were against the interests of the country and that, therefore, the Government was not prepared to accept them?

A. I never rejected the demands finally though I advised the deputationists not to press them. I suggested that a via media should be found.

Q. Did you suggest any via media yourself?

A. Various suggestions were made and discussed.

Q. What was your reply to the demand relating to the removal of Chaudhri Muhammad Zafarullah Khan,

A. I could not agree to it.

Did you ever say to the deputationists that if you removed Chaudhri Muhammed Zafarullah Khan, U.S.A. would not give even a grain of wheat to Pakistan?

I never said anything of the kind. What I said to them was that the removal of Chaudhri Muhammad Zafarullah Khan would create difficulties for us in obtaining wheat quickly because even India had to face great difficulty in that behalf. They had to spend a large sum of money and do a good deal of propaganda, and even then the grant of wheat was sufficiently delayed. I was confident that ultimately we would get wheat from America whether or not Chaudhri Muhammad Zafarullah Khan remained as our Foreign Minister. We, however, wanted it urgently and a quick decision was necessary. At that time all the official advice plus the advice from our Embassy in U.S.A. was that it was not an easy task. We would have to spend money and prepare the ground against opposition. We also apprehended that India might try to put a spoke in our wheel. I, therefore,

pointed out to the deput
we removed a person like C
Zafarullah Khan who was held
in U.S.A. and whose speech at Se
on the occasion of the ratification of the
Japanese Treaty created a great impression
on that country, it was bound to place us in
a difficult position.

Q. Why did you remove Mr. Daultana from Chief

Ministership?

A. He offered to resign and I accepted the resignation. Two or three days before I came to Lahore, he rang me up one night and said that his children were there, that he swore on them and wanted to assure me that he would in future be loyal to me and that he was mistaken on the question of parity with Bengal. He gave me every kind of assurance that one can give. He said if I would like him to resign, he was prepared to do so and he would like me to advise him on that point. I told him that if I accepted his assurances then I had also to carry out my part of the bargain and that, consequently, I would like to think over the matter. When I thought over the matter, I decided that I should accept his resignation. I thought it was necessary for him to resign if normal conditions were to be restored to the Punjab districts. It is true that Mr. Daultana had put me in difficulty by

adopting a certain attitude on the parity issue. I had reasons to believe that Mr. Daultana had been disloyal to me in the past. In fact, he made that admission to me in his telephonic conversation.

To Court:

Q. If Mr. Daultana had not resigned, could normal conditions not be restored to the districts?

A. No, not after he had made unequivocal public statement that he supported the demands.

To Counsel contd.-

Q. Did you ever approve of the statement that Mr. Daultana issued on 6th March?

A. No. By doing so I would have committed political suicide.

Q. What was the attitude of the Central Government to the ultimatum?

A. I mentioned it before the Cabinet and it decided to watch and see what shape the movement took.

Q. Was it taken to be an empty threat?

A. No, not at all. Even this ultimatum that was given

after a meeting of the so-called Action Committee, was not from a fully-constituted Action Committee, as I believe seven members were to be coopted by the eight or ten members of the Committee, and then it would have been a fully-constituted Committee. My information was that the ultimatum had come before the seven members had been coopted.

Q. Did the Government issue any statement about the ultimatum?

A. No.

Q. When some of the officials advised a clear rejection of the demands, was an announcement made on the lines suggested by the officials?

A. My assessment of the situation, which I claim has come out true, all along was that any decision rejecting the demands would lead to the slaughter of a very large number of Muslims who would honestly lay down their lives thinking that they were courting shahadat. I refused to be placed in a position which was bound to result in the mowing down of Muslims. The movement could be suppressed, law and

order could be restored, but at what cost and what price: No man with any sense of responsibility would, knowing this to be so, not make an attempt to avoid unnecessary bloodshed, and I only defended myself as any Government would do. If any bloodshed has been caused, I maintain that before God I shall not be held responsible, but if I had taken the offensive and plunged the country into a religious war, I am sure I would have been condemned both here and hereafter. I maintain that the situation would have been ten times worse if the fight had been on merits and not on ^{the} law-and-order question, and it is doubtful, and I say that with a ^{full} sense of responsibility. Whether we would have ultimately succeeded, because from Peshawar, in spite of the tall talks of His Excellency the Governor and the Chief Minister, we received frantic telephone calls twice a day, from both these gentlemen that steps should be taken to make the Punjab Government stop the volunteers from going into the N.W.F.P. Mr. Abdul

Qaiyum controlled the situation in N.W.F.P. by doing the same thing which Mr. Daultana did on the 6th March. He said: "I support the demands for the declaration of the Qadianis as a minority, but just now this is a law-and-order question. Let law and order be restored and, I will go and fight your case on your behalf." That is how N.W.F.P. and the Tribal Area were kept from coming into this struggle.. They would not have been able to use this method if they had been fighting on merits, in which case the Tribal Area, egged on by Afghanistan, the N.W.F.P., the Punjab and Bahawalpur would all have been dragged into the struggle.. However pressed the Centre for a decision, did so in order that the responsibility should shift to the Centre.

In this opinion I am not thinking of the officials in the Province; I am referring to the political leaders who wanted the Centre to hold the baby. In that case if the army and the police shot anybody, the Provincial leaders would say it was at the bidding of the Centre. If in the sequel the

Central Government were overthrown, the Provincial Government would say to the people: "We had supported you throughout".

To Court:-

What would have been the likely consequences if the demands had been accepted?

A. It would have been very difficult to give effect to that decision. The Government, in fact, could not take such a decision, the matter being within the competence of the Constituent Assembly.

Further, the decision to accept the demands as being based on religion, would have exposed Islam itself to criticism, because a man who was held to be a kafir here, would still be a Muslim in say, the Middle East countries.

To Counsel contd.-

Government

Q. Was the Central/consulted when

Maulana Maudoodi was arrested by the Provincial Government.

A. The Governor of the Punjab told me over the telephone that the Maulana was intended to be arrested by the

Martial Law authorities. I advised him to tell General Azam not to do, so, my reason being that I apprehended it may bring the Jam'at-i-Islami into the field and introduce further complications in the districts. Then when I came here, there was a full-dress conference of the Provincial Government, some officers of the Centre and the Martial Law authorities, and excepting one officer, practically all were unanimously of the opinion that the arrest should be made in the interests of law and order. I told them that I would let them know my decision when I got to Karachi and that no action should be taken till then. Next day I had a meeting in Karachi with the Finance Minister, the Minister for the Interior, the Cabinet Secretary and one or two officials, and after an hour and a half of discussion, we postponed the meeting because Mr. G. Ahmed was not there. He was travelling by train and following us. We met next day again and discussions continued for another hour. Ultimately Mr. G. Ahmed pointed out to me that this was entirely a Provincial issue, that it was

a law and order question, that the Provincial Government and the Martial Law authorities were both agreed on this and my mine would be regarded as an undue interference. As soon as he said this, I realised that that was the correct position and I withdrew my objection.

Sd/- M. Munir.
PRESIDENT.

Sd/- M.R. Kayani.
MEMBER.

28th November 1953.

Proceedings adjourned till Monday, the 30th November 1953, when the statement of Khwaja Nazimud Din would be continued.

Sd/- M. Munir.
PRESIDENT.

Sd/- M.R. Kayani.
MEMBER

28th November 1953.

بعد اات جناب چتر مین صاحب
تحقیقاتی کمیشی -

جناب عالی !

کد لرش مے کہ الحاج خواجہ ناظم الدین صاحب سابق وزیر
نے اپنی شہادت میں جرم کے دوران میں فرمایا ہے - کہ مجھے یاد نہیں
سید مظفر علی شمسی سے ۲۲ فروری کو ملا ہوں یا نہیں - اور ان
حذف کر دیا جائے - کہ ۲۳ سے ۲۶ فروری تک میں نے مجلس عمل کے
ملاقات نہیں کی - کیونکہ انہوں نے یہ نہیں کہے تھے -
لہذا

برائمر مائیس کا ملحقاتی رجسٹر طلب فرمایا جاوے -

۷ جنوری ۱۹۵۳ء ۲۳ فروری تا ۲۵ فروری ۱۹۵۳ء

ضے

سید مظفر علی شمسی نظربند

سیکرٹری مجلس عمل

بعد االت تحقیقاتی کیشی آنریبل جج صاحبان ہائی کورٹ

جناب عالی !

گزارش ہے کہ اردو کے اخبارات جو جیل میں آئے ہیں۔ ان میں
خواجہ ناظم الدین صاحب سابق وزیر اعظم پاکستان کی شہادت میں مندرجہ ذیل
شائع ہو گئے ہیں۔ جو صاحب موصوف نہیں کہے تھے۔ تصحیح فرمائی جائے
مجھے بتایا گیا تھا۔ کہ شیعہ نمائندہ خود اپنی ذات حیثیت

عمل کر رہا تھا۔

۱۔ اور وہ شیعہ حضرات فرقہ الٹی میٹم کا مخالف تھا۔ خود سا

سیّد مظفر علی شمس اپنی نجی حیثیت میں موجود تھے۔

۲۔ میں نے ۲۳ فروری سے ۲۶ فروری تا، مجلس عمل کے کسی رکن

ملاقات نہیں کی۔

اخبار "احسان" مورخہ ۳ دسمبر میں یہی الفاظ

سیّد مظفر علی شمس نظر بند سٹرل جیل

سیکرٹری ادارہ تحفظ حقوق شیعہ پاکستان

30th November 1953.

59th sitting.

PRESENT :

Hon'ble Mr. Justice Muhammad Munir,	
Chief Justice,	President,
Hon'ble Mr. Justice M.R. Kayani,	Member,

Mr. Faiyaz Ali, Advocate-General, Pakistan for the
Central Government.

Mr. Fazal Ilahi, Advocate, assisted by Mr. Ijaz Ali,
for the Punjab Government.

Mr. Yaqoob Ali Khan, Advocate, for Mian Muneer
Muhammad Khan Daultana.

Mr. Nazir Ahmad Khan, Advocate, for the Jama'at-i-
Islami.

Mr. Bashir Ahmad, Advocate, for Sadr Anjuman
Ahmadiyya Rabwah.

Mr. Fatch Muhammad Aziz, Advocate, for Ahmadiyya
Anjuman-i-Isht'at-i-Islam.

Mr. Mazhar Ali Azhar, Advocate, for the Majlis-i-
Ahrar.

Maulana Murtaza Ahmad Khan Meikesh, Member, Majlis-i-
Ahrar, in person.

WITNESS No. 120 (Called by the Jama'at-i-Islami):-

Khwaja Nazim-ud-Din, on solemn affirmation (continued):-

To Court:-

Q. What effect did the publication of the Basic Principles

Committee Report have on the Ulama?

- A. The Ulama were not fully satisfied and my information is that they held a conference in which they formulated some amendments to that Report. After the publication of that Report, they could not carry on any agitation and could only suggest amendments, because on the main issue, namely, that the constitution should be Islamic, their demand had been conceded.
- Q. Did the Jama'at-i-Islami take any special stand after the publication of that Report?
- A. We are still receiving representations from the public that the amendments suggested by the Ulama should be incorporated in the constitution. The Jama'at-i-Islami's position, after the convention of the Ulama, was that the question of Ahmadism should be considered as a constitutional question and should be dealt with along with the constitutional proposals and not separately.

To Mr. Bashir Ahmad, for Sadr Anjuman Ahmadiyya, Rabwah:

- Q. Do you know whether, when the Quaid-i-Azam appointed Chaudhri Muhammad Zafarullah Khan as the Foreign Minister, he also appointed him as the Deputy Prime Minister?
- A. In those days, I was Chief Minister, Bengal, and have no official information about it. My unofficial information, however, is that there was no such post as

that of Deputy Prime Minister.

Q. When you took over as Governor-General, was not Chaudhri Muhammad Zafarullah Khan acting as Deputy Prime Minister?

A. No, because for the first time, after I became Governor-General when Nawabzada Liaquat Ali Khan left Pakistan for a foreign country, he asked me to preside over the meetings of the Cabinet?

Q. Then I take it that whenever Nawabzada Liaquat Ali Khan was out of Pakistan and you were Governor-General of Pakistan, invariably you presided over the Cabinet meetings. Is it correct?

A. Yes, but there was only one such occasion.

Q. And to your knowledge, during the regime of Nawabzada Liaquat Ali Khan, did Chaudhri Zafarullah Khan ever preside over the Cabinet meetings?

A. I remember only one occasion, he ever, when in the absence of Nawabzada Liaquat Ali Khan Chaudhri Zafarullah Khan dealt with the files that were dealt with by the Prime Minister.

Q. When you took over as the Prime Minister, was ever the question of the seniority of Chaudhri Zafarullah Khan taken up?

A. When I became Prime Minister, I treated him on the same footing as he had been treated before, namely, that he was next to the Prime Minister in seniority. For a Deputy Prime Ministership,

it would have been necessary first to elect him as Deputy

Leader of the Muslim League Parliamentary Party.

Did you ever, as Governor-General or as Prime Minister, suspect the integrity of Chaudari Muhammad Zafarullah Khan or his fidelity to the State?

No. If ever I had such a suspicion, I would not have allowed him to continue in the Cabinet.

Is it true that Sir Muhammad Zafarullah Khan asked you that, if his continuance in the Cabinet was a liability for the State, he was willing to resign?

As far as I remember, what he actually said was that, if at any time I wanted him to resign, he would be willing to do so without creating any trouble whatsoever.

Did it or did it not occur to you that the manner in which and the quality of the agitation that was being carried on against the Ahmadis, if unchecked, must result in a flare-up any time?

It was not necessary that it must flare up. If we could find any via media it could be checked.

Is it or is it not a fact that at Cabinet level the action of the Karachi Administration banning Ahmadiyya meetings was approved on the basis that they gave rise to breach of peace, while no corresponding ban was imposed on Ahrar meetings because it was thought that there was no apprehension of breach of

peace?

A. Yes.

Q. Is it not a fact that since the initiation of the movement against the Ahmadis, thousands of meetings have been held in the Punjab denouncing the Ahmadis and inflaming the public?

A. This is generally correct.

To Court:

Before the other parties joined the Ahrar the tenor of the speeches made by the Ahmadis in the Punjab did not very much differ from that of the Ahrar. What I mean to say is that the speeches made by the Ahmadis were also provocative. It was only after the other parties had joined the Ahrar that the tone, of the speeches by the Ahmadis changed and they became less offensive, but the writings in their papers continued to be offensive.

Q. If you thought that the meeting of the Ahmadis might cause provocation, why did you permit them to hold a meeting in Jehangir Park in May 1952? ✓

A. The then administrator of Karachi was of the opinion that we should allow the Ahmadis to hold

the meeting and the administration should give them police protection for the purpose, and I was assured that they would be able to prevent any disturbance of the peace. It turned out that while he saw to it that the meeting was held, there was disturbance of the peace in the city. The principle on which permission to the Ahmadis to hold the meeting was granted was that no meeting should be disallowed merely because some people intended to create a disturbance.

To counsel contd.-

The Ahmadi papers which used to publish provocative addresses or speeches were the "Daily Alfazl" from Lahore and the "Weekly Almusleh" from Karachi.

Q. Did you by the anti-Ahmadiyya agitation that was being carried on, ever get the impression that the prejudices of the masses were being worked up to the extent that it would subsequently be impossible for the administration to deal with the agitation?

A. Yes, but only in the middle of January and February.

Q. Did you feel that what happened in January and February was the culmination of an agitation that had been gradually flamed up, or did you think that it was a

sudden uprising?

- A. The issue of the communique in August 1952 had practically deadened the agitation and it was only in December that it seemed to have been revived.
- Q. Did you get a feeling that if the agitation is allowed to grow, it might ultimately result in the disintegration of the State for which the Centre primarily would be responsible?
- A. Not until the direct action movement was actually started.
- Q. What suggestion did you make to Khwaja Nazir Ahmad as to the statement to be issued by the head of the Ahmadiyya community?
- A. My suggestion was the same as had been made earlier by Sir-dar Abdur Rab Nishtar when a deputation of the Ahmadis had waited on me in his presence. I remember that in the course of discussion with that deputation, one of the questions raised was whether the Ahmadis considered the other body of Muslims to be Muslims. The deputation's reply to this question was in the affirmative, but then Sirdar Abdur Rab Nishtar asked the deputationists whether they considered the other Muslims to be Muslims in a particular sense, on which there was some hesitation on the part of the deputation and eventually the reply was in the negative. I do not remember if Khwaja Nazir Ahmad was in that deputation. I don't think he was.

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To Mr. Mazhar Ali Jzhar, on behalf of the Ahl-e-

Q. When did you come to know that the Majlis-i-Amal

was not properly constituted inasmuch as the ultimatum was decided to be delivered by the Majlis before seven members had been accepted to it?

A. It was some time after the ultimatum had been delivered but I cannot give the date. The information was received certainly before I came to Lahore in February.

Q. Who gave you this information?

A. I got this information from the Intelligence Branch.

Q. Did any member of the Majlis-i-Amal tell you that he or any one else in the Majlis-i-Amal was against the ultimatum or the "Direct Action"?

A. As far as I remember, nobody volunteered the information. In view of the information at my disposal, I asked certain members of the Majlis-i-Amal whether the information regarding them was correct and they affirmed it. One of these members was Maulana Ehtisham-ul-Haq.

Q. Was the information this that the Shias, the Ahl-i-Hadith, the Deobandis and some others were against

the ultimatum?

A. I was told that the Shia representative was acting as his own representative and not as the

representative of the Shias as a community. According to my information the Shias as a community were against the ultimatum. Seyyed Muzaffer Ali Shamsi,

the self-styled representative, was present in his personal capacity. The other two groups were represented properly but they were opposed to "Direct Action".

It is one of the cardinal principles observed by the Intelligence Branch that they never disclose the source of their information even to the minister and the minister never expects or requires them to disclose that source.

Q. Was it on the basis of the information received by you that some members of the Majlis-i-Amsl, who were not in favour of "Direct Action", although present at the meeting of the 26th which decided on "Direct Action", were not arrested?

A. Yes.

Q. Did you have information that the Bengal Ulama were not in favour of the "Direct Action"?

A. We were certain that there was no possibility of this agitation spreading to Bengal. I, however,

do not remember whether there was any special information about it.

Q. Did you try to ascertain through your Intelligence Department whether the "Direct Action" would be supported by the Bengal Ulama?

A. I do not think I ever made any such attempt.

Q. Do you know that during the lifetime of the late Qasid-i-Millet, the Ahmadis were apprehensive of their future in Pakistan and were attempting to establish their bases outside Pakistan?

A. No.

Q. Did the report of the khutba of the head of the Ahmediyya community published in the "Alfazi" of 10th August, 1952, Ex.D.B. 213, come to your notice?

A. No.

I never read "Alfazi" and never was anything from that paper put before me except by a deputation of the Ahrens.

Q. Were you aware that the Ahmadis were planning to do something to bring down their opponents to their knees within a year?

A. No.

(Mr. Mazhar Ali Azhar is not complying with the ruling of the Court that he would be permitted to put only such questions to the witness as arose out of his examination by the Jama'at-i-Islami or the Court. The witness was not cited by the Ahrens.

and we cannot, therefore, permit, his examination on independent matters.)

Q. Is it a fact that during his lifetime the Qaid-i-Millet did not permit the Ahmadis to hold any public meetings in Karachi in 1951, but that the Qaid-i-Millet's policy was reversed in 1952?

A. I have already answered this question.

Q. Did Maulana Abdul Haamid Badayuni tell you that if you promised to consider the demands, he was willing to postpone Direct Action?

A. As far as I remember, in the course of discussion, he might have said that if the question was referred to the Constituent Assembly, they would be prepared to postpone Direct Action, but at the same time, I think, one of the conditions was that I should move the Constituent Assembly to accept the demands.

Q. Was General Musa present in the conference of 27th morning?

A. Yes.

Q. Were no instructions given to him by the Government?

A. Government never gives direct instructions to the military. Secretary Defence does so.

Q. Did Government give any instructions to the Secretary Defence?

A. Yes.

Q. What were those instructions?

A. That the army should give all possible help to the civil administration.

To Maulana Murtaza Ahmad Khan Maikash, for Majlis-i-Amali:-

Q. If you had advised Chaudhri Muhammad Zaferullah Khan not to attend the meeting in Jehangir Park and he attended it, did you ask him to explain his conduct?

A. I advised Chaudhri Muhammad Zaferullah Khan not to attend the meeting. He expressed his inability to do so in view of the fact that it had already been announced that he was going to attend the meeting; but for this, he said, he would have complied with my request. After further discussion he told me that, if I insisted, he would have to resign. I was not prepared to go to that length and so he attended the meeting. The question of calling an explanation, therefore, does not arise.

Q. Do you know that when Chaudhri Muhammad Zaferullah Khan attended the meeting on 18th May, he had to protect his head with a steel helmet?

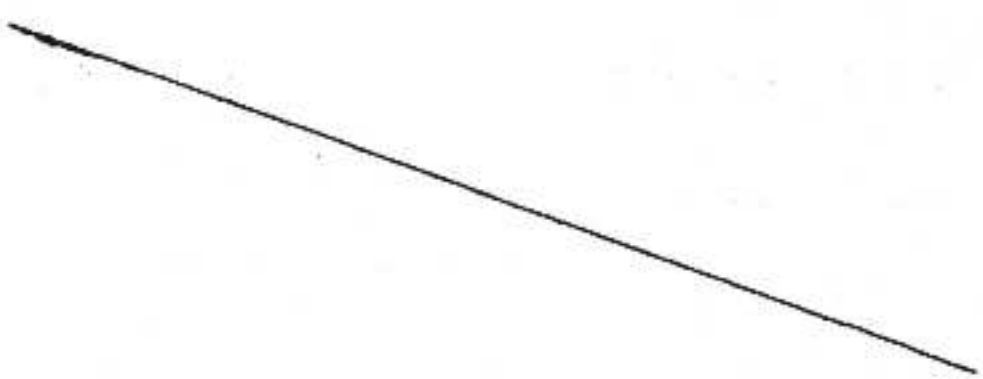
A. No.

Q. Do you know that the Karachi Administration on the occasion had issued an order under section 144 prohibiting

people from coming within four furlongs from the place of the meeting?

- A. I doubt very much whether any such order had been issued, because if any such order had issued, nobody could have attended the meeting.
- Q. Were protests published in the newspapers after the holding of this meeting?
- A. As far as I remember, actually on that very night some windows of the Shenzon Restaurant, which is an Ahmedi concern, were smashed and further hooliganism was also indulged in, but I do not think that any thing serious happened, strong protests, however, were made in the papers.
- Q. Did you learn what Chaudhri Muhammad Afarullah Khan had spoken at that meeting?
- A. No, except that he himself gave me a version of what he had said and the impression created on my mind was that in that speech he avoided all controversial issues. Subsequently, people, however, complained to me that he had touched upon objectionable subjects.
- Q. On receiving such complaints, did you have any further talk with him about the subject-matter of that speech?
- A. No.
- Q. Did it come to your notice that that speech of Chaudhri

Muhammad Zafarullah Khan had created great discontent throughout Pakistan, particularly in the Punjab?

- A. It was not the speech which gave offence, but it was the participation of Chaudhri Muhammad Zafarullah Khan in that meeting which caused the other Ulama to come in an accentuated the situation. Thereafter the Ahrar got support from the other Ulama.
- Q. Did you ask Chaudhri Muhammad Zafarullah Khan why he had issued a statement in reply to the press communique by the Government?
- A. No.
- Q. Did the deputation, that waited on you on 16th August, produce before you the poster, Ex.D.E./214?
- A. I am not sure about the date, but I remember that this poster was shown to me.
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Q. Should it then be assumed that you accepted the second of the two alternatives put to you in the poster, namely that you should take severe steps against seven crores of Muslims in Pakistan?

A. This assumption would have been correct if I had accepted the suggestion of defining the policy on the main issues and then, if there had been agitation against that, of using force. But what actually happened was that I maintained my primary duty as Government of maintaining law and order.

Q. Did Maulana Abul Hasanat address you a long letter in September or October 1952?

A. It is impossible for me to remember it.

Q. Did Sayyed Muzaffer Ali Shamsi have an interview with you on the 24th of February?

A. May be, but I do not remember it now.

Q. Did you see any member of the Majlis-i-Amal alone between 23rd and 26th February?

A. As far as I remember, I did not meet anyone of them alone in those days.

In the course of my conversation with the deputationists

or Sayyed Muzaffar Ali Shamsi, I might have said that the agitation against Chaudhri Muhammad Zafarullah Khan was not being liked by Indonesia.

Q. Did the members of the deputation which waited on you in Lahore, give you some information about the transport of gunpowder from Ghiniet to Rawah?

A. Yes.

Q. On what grounds did you consider that direct action would lead to a disturbance of peace in the country?

A. Past experience had shown, especially in pre-Partition India, that all civil disobedience movement, were started with the announcement that they would be peaceful and non-violent but that everyone of them ended in violence; and the same thing happened in the Punjab.

Q. Why did the Cabinet take this curious decision that while the Central Cabinet's authority for the decision was not to be disclosed, the Provinces were to proclaim that the demands had been rejected?

A. This assumption is not correct. What the Provincial Government were required to do was to organise publicity on the lines mentioned in those instructions,

The Central Government retained to itself the right to make a public declaration if any such course became necessary by subsequent events.

Q. You have said in your evidence that rejection of the demands would have been followed by carnage. Could not such a result reasonably follow from the announcement, Ex.D.E. 211?

A. No, because the announcement did not say that the Government had come to decision on the issue.

Q. Did the Central Government, on 4th/5th March, consider it likely that Martial Law would have to be proclaimed?

A. No.

Q. Then what did the Central Government mean when they directed the Provincial Governments in the instructions of 5th March that they were to resist hasty requests by district officers for the proclamation of Martial Law?

A. These instructions were not issued with my knowledge. Most likely the Ministry of Interior issued them.

(Maulana Maikash has been putting question which do not arise out of the examination of the witness by the other parties which affect his case. The questions are, therefore, disallowed.)

To Maulana Daud Ghaznavi by permission of the court:-

Q. When the deputation which delivered the ultimatum

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to you on 22nd January, told you that if the demands were not accepted, they would take some action, did you clearly understand what action was intended to be taken by them?

A. They did not say what definite step they would take. This was why I did not place the ultimatum before my Cabinet immediately and when later the matter was placed before it, we decided to wait for the form that "Direct Action" was to take.

Q. Did you receive information that Maulana Abul Hasnat was present in the meeting that was held on the night of 26th February in Arem Bagh?

A. I received no report either way. Later on I learnt that he was the "Nigrah-i-A'la" of the movement.

Q. Did you not receive information on the night of 26th February that owing to the absence of the Nigrah-i-A'la from the convention of the Ulama, the decision regarding the steps to be taken had been postponed to the following morning?

A. No. I have already said that my information was that in that meeting it was announced that volunteers should assemble at Aram Bagh at 7 a.m. and from there they would be despatched in batches to the houses of the Governor-General and the Prime Minister.

To Mr. Fazal Ilahi, Advocate, for the Punjab Government:-

Q. Do you remember if Sardar Shaukat Hayat Khan and Mian Iftikhar-ud-Din in their speeches in the Constituent Assembly in March 1953 made references to the events in Lahore?

A. Yes.

Q. Did you, in your own speech, say that often these two gentlemen made irresponsible speeches, but that on that occasion they appeared to have displayed a better sense of responsibility?

A. I remember having said something to that effect.

Q. Do you remember that, in that speech of yours, you said that the agitation appeared to have been prompted by "power politics"?

A. Yes, I remember having used the words "power politics".

- Q. What did you exactly mean by this?
- A. I intended to say that behind the movement there were people who were anxious to acquire power. My reference in this speech was to the political leaders of the Punjab who were in charge of the Provincial Government.
- Q. Was Mr. Daultana's attitude regarding the "parity" issue consistent?
- A. No, I am afraid, it was very inconsistent.
- Q. Did you come to Lahore in connection with the Basic Principles Committee Report?
- A. Yes.
- Q. What role did Mr. Daultana play in presenting to you the viewpoint of the Punjab through deputations?
- A. I came here at the request and suggestion of Mr. Daultana. As soon as I arrived, I received information that Mr. Daultana had been briefing the various deputations who had to wait upon me as to what view they were to place before me. The reports were that he was actually coaching them to the extent of telling the various speakers what line of argument each was to adopt.

In short, the whole thing was a stage-managed affair.

Q. Do you think that Mr. Daultana's attitude on the "parity" issue was disloyal to the Centre?

A. In my opinion it was so, because throughout the period that the recommendations were under discussion in the Committee his attitude was that Mr. Nur-ul-Amin should be persuaded to accept parity in Dacca. He induced the Punjab Provincial Muslim League Council to accept parity in the All Pakistan Muslim League Council, although the Muslims of Bengal were in minority vis-a-vis the West Pakistan, and the reason he advanced for accepting parity was that, if the West Pakistan concerned parity to Bengal they would make Bengal agree to parity in the Central Legislature. At the time when the Report was signed, the Basic Principles Committee had in their Report recommended parity and this report was signed by Mr. Daultana without any qualifications whatsoever so far as 'parity' issue went.

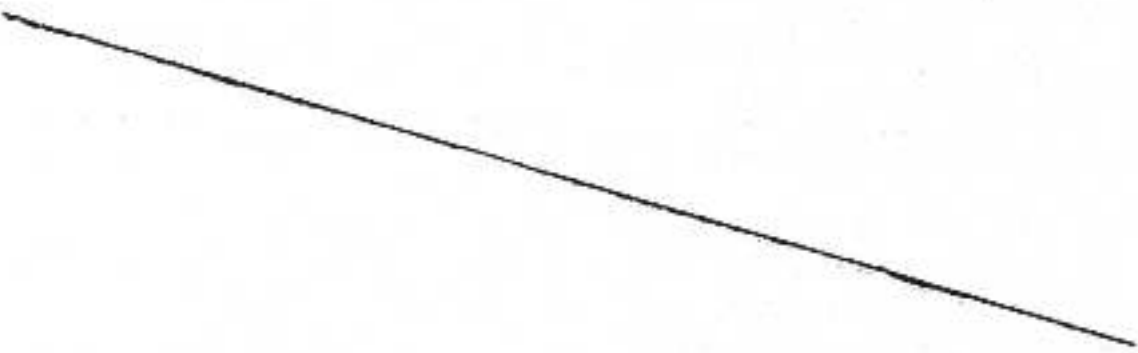
Q. What attitude did he adopt when you came to the Punjab?

A. When I came to the Punjab, the various deputation that came to me in this connection presented the argument of Mr. Daultana and my information was that they had been organised and coached by Mr. Daultana. I got hold of a cyclostyled copy of the instructions which had been given to various persons who were to appear before me.

Q. What do you think was this change in Mr. Daultana's attitude due to?

A. To be absolutely honest, at that time, there could be no plausible explanation for this attitude, namely, that in the Punjab there was a strong feeling which was against parity. The Punjab papers were against it and in the Central Cabinet the Punjab Ministers expressly opposed it. It would, therefore, have been very difficult for him to defend the attitude which he had previously taken before the Basic Principles Committee on this issue. I have, however, the feeling that, if Mr. Daultana so liked, he could have persuaded his Province to accept the "parity" recommendation as originally agreed to by him. There were some of the Central

Ministers, who thought that, if I were to rely on him entirely as regards representatives in the Central Ministry from the Punjab, then he would have made an effort and he could get the Province to accept "parity", because, apart from this, from time to time he had given me the indication that those who represented the Punjab, were not men from public life, and therefore, did not really represent the Province.



One of the decisions taken at the conference on the morning of 27th was that Provinces should not allow volunteers to come to Karachi. After the 27th almost every day I used to telephone either to the Governor, or the Chief Minister, or both, in order to ascertain the situation in the Punjab. During these telephonic conversations I pointed out, I think more than once, that they should see that volunteers from the Punjab were not permitted to come to Karachi. Despite this, however, quite a number of volunteers from the Punjab continued to pour in to Karachi, particularly during the early days of the agitation. The IGP, Punjab, Mr. Anwar Ali, has assured us that even if the volunteers left from any place in the Punjab, they would be detained within the Province on their way to Karachi. In this connection Sind complained that volunteers of the Punjab had to be detained by the Sind authorities. I was very careful in my speech on the Independence Day on 14th August and did not intentionally touch upon the anti-Ahmadiyya movement. It is, however, quite possible that I

might have made some general remarks denouncing sectarian and factional differences..

Q. You have stated in your evidence that you did not tell the Punjab Government whether you intended to issue any instructions to the military to take over. What were your reasons for this?

A. The reason was that the secro-phone was not functioning and the telephone was in the possession of officials who were evidently sympathetic with the agitation. I noticed that throughout the conversation there were frequent interruptions by the operator. I, therefore, did not intend this contemplated step to become public..

Q. Did Mr. Daultana, in the course of his telephonic conversation with you, ever hint or suggest that the situation was so bad that the military should be directed to take over?

A. No; on the other hand, he held out to me a kind of ultimatum that I was to accept the demands within half an hour, so that he may broadcast the decision to the public.

To Mr. Yaqub Ali Khan on behalf of Mr. Daultana:

Q. Are you not a very religious-minded person?

A. I consider myself to be a gunahgar.

Q. Was it your idea that Pakistan should have an Islamic constitution?

A. No, not my idea. It was Quaid-i-Azam's own idea.

Q. What were your own views on this subject?

A. Pakistan was achieved on the assurance held out to the people that after it came into existence it would be an Islamic State.

Q. Did you yourself want an Islamic constitution for Pakistan?

A. Definitely.

Q. Is it a fact that after the Partition, all the Ulama of Pakistan were demanding an Islamic form of Government?

A. Yes.

Q. Were the Ulama who associated themselves with the anti-Ahmadiyya movement among those who were demanding an Islamic constitution for Pakistan?

A. Yes. The Ulama Convention, which was clamouring for an Islamic constitution was also putting forward the three demands in respect of the Ahmadis.

Q. Is it true that long before the Qasid-i-Millat's assassination an interim report about the future constitutional set-up had been presented by the Basic Principles Committee?

A. That is correct.

Q. Is it true that in that report there was no reference to any directive policy and no reference to Qur'an and Sunna?

A. At that time I was the Governor-General and it is very difficult for me to remember exactly what that report was. It is, however, true that the picture presented in that report was not that of a religious State and the report did not satisfy those who were demanding an Islamic constitution for Pakistan.

Q. Is it correct that while you were Governor-General or Prime Minister of Pakistan, deputations of Ulama called on you to press the view that Pakistan should be a religious State?

A. I do not remember receiving any deputation of the Ulama when I was Governor-General, but wherever I went and in practically all the addresses given to me, particularly in Baluchistan, N.W.F.P. and the Tribal Area, the demand was made that Pakistan should have a constitution which would be Islamic in character. When I became Prime Minister, I believe I received Ulama deputations asking for an Islamic State, and then, before we had finalised the B.P.C. Report, as members of the B.P.C. Committee, Sirdar Abdur Rab Nishtar, Mr. Fazlur Rahman, Dr. Mahmud Hussain and I held long discussions with various groups of Ulama, the meetings starting at about 9 a.m. and finishing at 1 a.m. and even later. These meetings were held with a view to be able to provide in the report, as far as it was possible and practicable, the demands that had been put forward by the Convention of the Ulama, and we had been able to get them to agree to a modification of some of their demands. The demand that was being made for an Islamic constitution when I toured the North-West Frontier Province,

the Tribal Area or Baluchistan, came not from the Ulama but from public men of the locality. There may, however, also be some Ulama who made a representation to me in this behalf.

Q. Please look at the letter, Ex.D.E.215, dated the 1st March 1950. addressed by your secretary to Maulana Ehtisham-ul-Haq and say whether, in pursuance of the arrangements mentioned in this letter, the addressee and Qazi Ehsan Ahmed Shujabadi came to see you on 3rd March 1950?

A. Yes. they did come.

Q. Do you remember whether the occasion for their interview with you was the anti-Ahmadiyya question?

A. Yes. This was the first occasion that I saw Qazi Ehsan Ahmed Shujabadi and his box. The box was full of writings by Ahmadis. He showed me a large number of passages from those writings which simply horrified me. Before that I had never read Ahmadiyya literature. After that I saw Qazi Shujabadi several times. He invariably brought that box with him. It may be that he also showed me some posters.

Q. Did your two interviewers make any specific complaint against the Ahmadis and ask for its redress?

A. Very likely it is correct.

Q. Did you consider it within your constitutional sphere to entertain such complaints?

A. When I granted the interview, I did not know what the complaint was going to be and whether there was a complaint going to be made.

If any complaint was brought to my notice in the course of an interview, I used to note it down and mention it to the Prime Minister. I must have mentioned what transpired at the interview to Mr. Liaquat Ali Khan who was then the Prime Minister.

Q. Can you recall what the reaction of Mr. Liaquat Ali Khan to this incident was?

A. No.

Q. Did your views about the future constitution of Pakistan coincide with those of the Qaid-i-Azam and the Qaid-i-Millat?

A. As far as the Qaid-i-Azam was concerned, I did not have any opportunity of meeting him after the

Partition and discussing the future constitution of Pakistan. As far as the Quaid-i-Millat was concerned, I did not take much interest in this matter as by that time the Basic Principles Committee had been appointed and it was dealing with the question.

The Quaid-i-Millat was himself responsible for the Objectives Resolution and he overruled all opposition to it in the Muslim League Parliamentary Party meeting. After the passing of the Objectives Resolution, Begum Liaquat Ali Khan protested as to its contents, but Mr. Liaquat Ali Khan put his foot down. On that day Mr. Daultana and his wife and Malik Firoz Khan Noon and his wife were dining with me and the incident was narrated to me by them.

Q. What was the Quaid-i-Azam's own outlook on life?

A. I read out to you the following three passages from his speeches made after the Partition:-

1). Speech at Lahore on 30th October, 1947:

"If we take our inspiration and guidance from Holy Quran, the final victory, I once again

say, will be ours."

2). Broadcast talk to the People of Australia on

the 19th February, 1948:

"People ask how can there be unity of Government between areas so widely separated. I can answer this question in one word and it is 'faith'. Faith in Almighty God, in ourselves and in our destiny. The great majority of our people are Muslims. We are members of the brotherhood of Islam in which all are equal in rights, dignity and self-respect. Consequently we have a special and a very deep sense of unity; but make no mistake, Pakistan is not a theocracy or anything like it. Islam demands from us the tolerance of their creeds and we welcome in close association with us all those who, of whatever creed, are themselves willing and ready to play their part as true and loyal citizens of Pakistan."

3). Talk to the people of U.S.A. in February 1948:

"I do not know what the ultimate shape of this Constitution is going to be but I am sure that it

will be of a democratic type, embodying the essential principles of Islam. Today they are as applicable in actual life as they were 1300 years ago. Islam and its idealism has taught us democracy."

Q. Did you ever get the impression that the Quaid-i-Azam was in favour of a modern democratic State in the western sense?

A. In my opinion he was in favour of a modern democratic State based on Islamic principles.

Q. Is it not an essential principle of western democracy that sovereignty rests with the people?

A. Yes, it is so.

Q. Does sovereignty in Islamic democracy rest with the people?

A. Yes, subject to the limitation that all sovereignty vest, in God. In an Islamic form of Government, within the limits prescribed, sovereignty rests with the people. These limits would be indicated by the Qur'an and the Sunnah.

Q. I put it to you that the form of Islamic Government which you have dwelt upon is opposed to the Quaid-i-Azam's idea of democracy?

A. I differ from this and, in support of my view, I have placed relevant extracts from the speeches of the Quaid-i-Azam.

Q. Who is the authority for the limits on sovereignty that are to be found in the Qur'an and the Sunnah?

A. Anyone who is well versed in the study of the Qur'an and the Sunnah, including a non-Muslim.

To Court:-

Q. How long, do you think, would it take a man to become well versed in the Qur'an and the Sunnah, so that he may be right in his judgment on any important question arising?

A. It may take a whole life to become well versed in the subject.

To counsel (continued):-

Q. I put it to you that the idea of the Quaid-i-Azam was that of a single nation in Pakistan, consisting of Muslims and non-Muslims, with equal rights of citizenship. Is it so?

A. This was not his view two or three months after the Partition, because he advised the reorganisation of the Pakistan Muslim League. His speeches in Dacca would also

give the same impression.

Q. Was not the object of the Quaid-i-Azam in reorganising the Muslim League to provide a political party for running the Government?

A. I do not agree with this. There is no doubt that he wanted the Muslim League Party to run the Government, but it also meant that he recognised the necessity of a minority being there.

Q. Do you remember the terms in which the Quaid-i-Azam spoke on 11th August in the first meeting of the Constituent Assembly at Karachi?

A. Yes, I remember that speech, because that was referred to by the Opposition ad nauseam during the course of the discussion on the Basic Principles Committee Report.

Sd/- M. Munir
PRESIDENT,

Sd/- M.R. Kayani
MEMBER.

30th November 1953.

Proceedings adjourned till Tuesday, the 1st December, 1953, when the statement of Khwaja Nazimud Din will be continued.

Sd/- M. Munir.
PRESIDENT.

30th November, 1953.

Sd/- M.R. Kayani
MEMBER.

1st December 1953.60th Sitting.

PRESENT:

Hon'ble Mr. Justice Muhammad Munir,	
Chief Justice,	President,
Hon'ble Mr. Justice M.R. Kayani,	Member,

Mr. Faiyaz Ali, Advocate-General,
Pakistan, for the Central
Government;

Mr. Fazal Ilahi, Advocate, assisted by
Mr. Ijaz Ali, for the Punjab
Government.

Mr. Yaqub Ali Khan, Advocate, for Mian
Munazzar Muhammad Khan Daultana.

Mr. Asadullah Khan, Advocate, assisted by
Mr. Abdur Rahman Khadim, Advocate,
for Sadr Anjuman Ahmadiyya, Rabwah.

Mr. Faten Muhammad Aziz, Advocate, for
Ahmadiyya Anjuman-i-Ishat'at-i-Islam.

Mr. Nazhar Ali Azhar, Advocate, for the
Majlis-i-Ahrar.

Maulana Murtaza Ahmad Khan Maikash, Member,
Majlis-i-Amal, in person.

Mr. Nazir Ahmad, Advocate, for the Jama'at-i-
Islami.

Witness No. 120 (called by the Jama'at-i-Islami) contd:

Khwaja Nazim-ud-Din, on solemn affirmation:-

To Mr. Yaqoob Ali Khan counsel for Mr. Daultana:-

Q. Do you agree with the thoughts expressed in the following passage from the Quaid-i-Azam's speech to the first meeting of the Constituent Assembly on the 11th of August 1947:

"You are free; you are free to go to your

temples, you are free to go to your mosques or any other place of worship in this State of Pakistan. You may belong to any religion or caste or creed that has nothing to do with the business of the State. We are starting with this fundamental principle that we are all citizens and equal citizens of one State. We should keep that before us as our ideal and you will find that in course of time Hindus would cease to be Hindus, and Muslims would cease to be Muslims, not in the religious sense, because that is the personal faith of each individual, but in the political sense as citizens of the State."

A. I agree so far as it is consistent with the conception of an Islamic State. ✓

To Court:-

Q. Is this opinion consistent with the conception of an Islamic State? ✓ →

A. I do not agree that religion is a private affair of the individual nor do I agree that in an Islamic State every citizen has identical rights, no matter what his caste, creed or faith be. In fact this is not peculiar to an Islamic State because in most other countries there are certain special rights enjoyed exclusively by members professing a certain faith. In England, for instance, the King is the defender of the faith and he must belong to the Church of England.

At this stage Mr. Bashir Ahmad has also appeared for Sadr Anjuman Ahmediyya, Rabwah.

To counsel continued:-

Q. In other words you agree with the Ulama that we should have an Islamic State where the non-Muslims should have rights different from the Muslims?

A. I maintain that I agree with the majority of the people of Pakistan that we should have an Islamic State with all its implications. It is not necessary that the rights of the non-Muslims should be less than those of the Muslims. I maintain the

their rights would be almost equal to those of Muslims.

Q. Did the demand for the declaration of Ahmadis as a non-Muslim minority arise out of the position that in an Islamic State the Muslims have different rights from the non-Muslims?

A. No.

Q. I read to you another passage from the speech of the Quaid-i-Azam mentioned above:-

"If you will work in co-operation, forgetting the past, burying the hatchet, you are bound to succeed. If you change your past and work together in a spirit that every one of you, no matter to what community he belongs, no matter what relations he had with you in the past, no matter what is his colour, cast or creed, is first, second and last a citizen of this State with equal rights, privileges and obligations, there will be no end to the progress you will make."

Are the views expressed in this speech consistent with the conception of an Islamic State?

A. There are two answers to it. Firstly, if we assume that the Quaid-i-Azam was in favour of an Islamic State, then whatever he said on this occasion was subject to the conception of such

a state. Secondly, even, when we say that persons have equal rights, the expression is subject to certain qualifications. For instance, when we say that there should be liberty of speech or liberty of press, the liberty is subject to qualifications and should not be carried to the stage of licence. Islam is a flexible religion and admits of adjustments according to varying conditions, maintaining, of course, the basic principles.

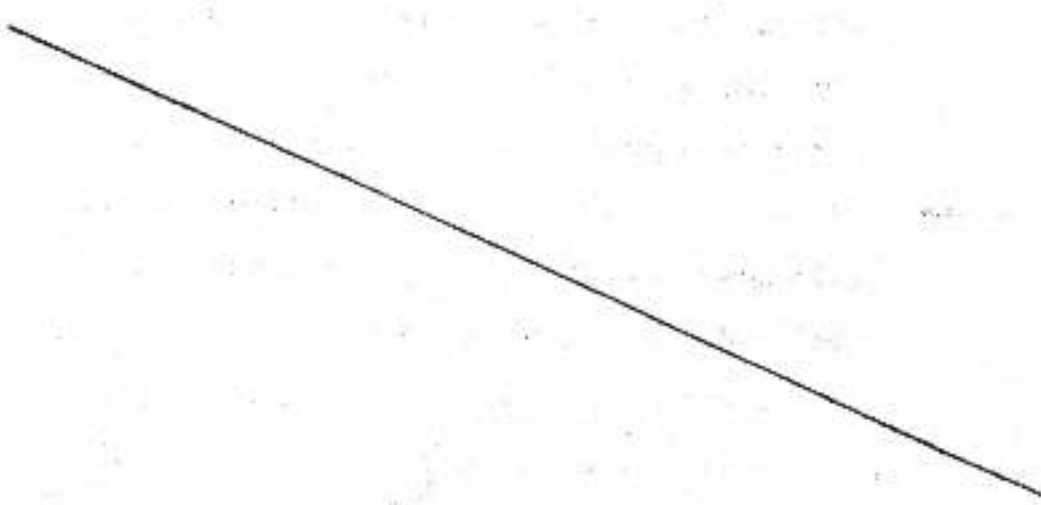
Q. Will these qualifications include disabilities on the basis of religion?

A. Yes.

Q. I read to you another passage from the same speech:

"I cannot emphasise it too much. We should begin to work in that spirit and in course of time all these angularities of the majority and minority communities - the Hindu community and the Muslim community - because even as regards Muslims you have Pathans, Punjabis, Shias, Sunnis and so on and among the Hindus you have Brahmans, Vashnavas, Khatrias, also Bengalis, Madrasis, and so on - will vanish. Indeed if you ask me, this has been the biggest hinderance in the way of India to attain its freedom and independence and but for this we would have been free people long ago."

Do you agree with this?

- A. I agree, but these views are consistent with the conception of an Islamic State. What the Quid-i-Azam meant was that sectarian, religious or provincial differences should not be overemphasised. The speech of the Quid-i-Azam must be interpreted in the context in which it was delivered. It was delivered at the inauguration of the new Constituent Assembly. The new State was being established on the basis of a two-nation theory. In the process of establishment there had been a bitter struggle on communal grounds. In Pakistan a large section of non-Muslims were going to reside. The Quid-i-Azam, as head of the State, and belonging as he did to the majority community, felt it to be his duty to inspire confidence amongst the minorities who would naturally be nervous because they had been, against their will, made citizens of Pakistan.
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To Court:-

Q. Bearing in mind the conception of the State as envisaged by the Quaid-i-Azam in this speech, what would in your opinion have been his attitude towards the demand that a certain section of the people should be declared a minority on religious grounds? ✓

A. If the Quaid-i-Azam had been alive, he would have been able to find a solution without accepting the demands, but at the same time removing the root cause of the trouble, namely, the proselytising tendency of the Ahmadis. He would have been able to get the Ahmadis to accept his solution. ✓

(The witness read out a passage with approval from Maulana Maudoodi's "The Qadiani Problem" relating to the proselytising tendency of the Ahmadis.) ✓

To Counsel contd.-

Q. You have just read the following passage:-

"It is also a fact that, besides the Qadianis, there are some other sects

too which differ from the majority of the Muslims in regard to some of the fundamentals of Islam, and that they have cut off religious and social relations with them and organised themselves into separate communities. But their case is altogether different from that of the Qadianis. They have simply cut themselves off and seceded from the Muslims, they have not converted themselves into active forces of disintegration in the Muslim Society like the Qadianis. Therefore they could be rather ignored. But the Qadianis penetrate into the Muslim Society posing as Muslims; they propagate their views in the name of Islam; start controversies everywhere; carry on proselytising propaganda in an aggressive manner and continuously strive to swell their numbers at the expense of the Muslim Society. They have thus become a permanent disintegrating force among

the Muslims. How can it, therefore, be possible to show the same kind of toleration towards them as is shown towards other passive sects?"

You say you agree with what Maulana Maudoodi has said in respect of the proselytising tendency of the Ahmadis and the disruption which they create among the Muslims. Is that so?

A. To some extent it is correct.

Q. Sirdar Abdur Rab Nishtar has said that if a person believes that Mirza Ghulam Ahmad was a prophet, he would regard such a person as outside the pale of Islam. Do you also agree?

A. As I have already said, I would agree to what 90 per cent of the Ulama have agreed upon, namely, that he would be a kafir.

To Court:

Q. If the Ulama declare that such a man is liable to be stoned to death, will that penalty be apt in the Islamic State of your conception?

A. Yes, if competent Ulama so declare, because I will follow Islam.

To Counsel contd.-

Q. Is it not correct that the three demands arose

out of the decision that Pakistan should be made into an Islamic State?

A. I maintain that the fatwa of kufir does not

necessarily turn a community into a non-Muslim

minority community. Throughout the history of

Islam, immediately after the period of Khulfa-e-

Rashideen up to the present time, the fatwa of kufir

has been given against individuals and Juma'ats,

but there is no record in the history of such a

Juma'at having ever been disqualified from enjoying

its civil rights as Muslims. That is to say,

they were not declared zimmis or mu'ahids. There-

fore, the basis of these demands has, in my

opinion, no connection with the demand for an Islamic

State. This question arose quite separately for

reasons other than those for declaring Pakistan an

Islamic State. I maintain that if it had been decided

to have a secular State in Pakistan, still the three

demands would have been there and would have been

pressed in exactly the same manner as they have been pressed up to now.

A. According to your conception of this problem, can an Ahmadi be elected from a Muslim constituency or appointed the head of the State?

A. Yes, notwithstanding any fatwa to the contrary.

Q. What was your impression as to the belief of the Ulama in respect of the Ahmadis whether the Ahmadis were merely kafirs or they were outside the pale of Islam?

A. According to their fatwa the Ahmadis are kafirs and from this fatwa they argued that the Ahmadis were outside the pale of Islam. I do not accept this part of the argument as regards their civic rights. The civic rights of a Muslim have never been taken away by a fatwa.

Q. Is it correct that the Ulama started seeing you some weeks before your speech of the 14th of August 1952?

A. Yes, perhaps even earlier than that.

Q. Did you ever tell the Ulama that even if the Ahmadis are declared to be kafirs, they cannot be considered

to be outside the pale of Islam?

A. No. My line with the Ulama always was that they should find some other solution of this problem and that it was not beyond human ingenuity to find a solution.

Q. What was the hinderance in your asking the Ulama that notwithstanding that the Ahmadis had been declared kafirs by a fatwa, they were not outside the pale of Islam?

A. It occurred to me only recently, namely, after the disturbances, but I had pointed out to the Ulama that it was no part of the duty of the Government to declare a section of the population as a minority. I said that the Constituent Assembly could, at the time of the framing of the Constitution, make such a provision.

Q. Did not the Basic Principles Committee in its report give separate representation to the citizens of the State on the basis of their religion?

A. Yes.

Q. Do you agree that the Basic Principles Committee could have, while dealing with this part of the question,

provided for declaring Ahmadis as a minority?

A. Yes.

Q. Could you note, as leader of the Muslim League Parliamentary Party, move such a resolution in the Constituent Assembly?

A. I could but I was not prepared to do so.

Q. Then you were not in favour of declaring the Ahmadis as a non-Muslim minority?

A. I believe I have already made this clear.

Q. Why did you not tell the Ulama that you were not in favour of having the Ahmadis declared a minority?

A. That would have resulted in a head-on clash with the Ulama which I wanted to avoid. ✓

Q. Did you not consider it proper to tell the country why it should not press the demands?

A. That would have meant rejection of the demands, resulting in a head-on clash with the Ulama. I felt that if I could persuade the Ulama to give up the demands, the agitation would stop automatically, because it was the Ulama who were fanning the agitation. ✓

Q. What steps did you take to persuade the Ulama to

give up the demands?

I told them on every possible occasion that it was not in the interests of the country to press these demands, that it was very difficult to accept these demands and that even if we made a provision in the constitution, it would be difficult to agree on the definition of a Musselman, a definition which would debar the Ahmadis and at the same time not debar any other section of the Muslims.

Did not the Ulama, who came to see you in this connection, leave you with the impression that you were not opposed to the demands?

I gave them no reason for any such an impression.

Are you agreed with them on the doctrine of Khatm-i-Nabuwat?

Fully.

Did you agree with the Ulama that if a person does not believe the Holy Prophet to be the last of the prophets, he is not a Muslim?

My own belief is that our Holy Prophet was the last of the prophets and that there can be no other person even with a qualified prophethood, but

as to the consequences of this belief or of disbelief in the doctrine of Khatm-i-Nubuwwat as I have expressed it, I can say nothing because it is a question of fatwa and I am not competent to give it. I know the fatwa of the Ulama and I bow to it.

Q. Were the Ulama presenting the problem as relating to the namoos (honour) of the Holy Prophet?

A. Yes.

To Court:-

Q. Does the question of the Prophet's namoos arise?

A. In my opinion it does not.

To counsel continued:-

Q. Did you think of taking the people into confidence as to the difficulties facing you in accepting or rejecting the demands?

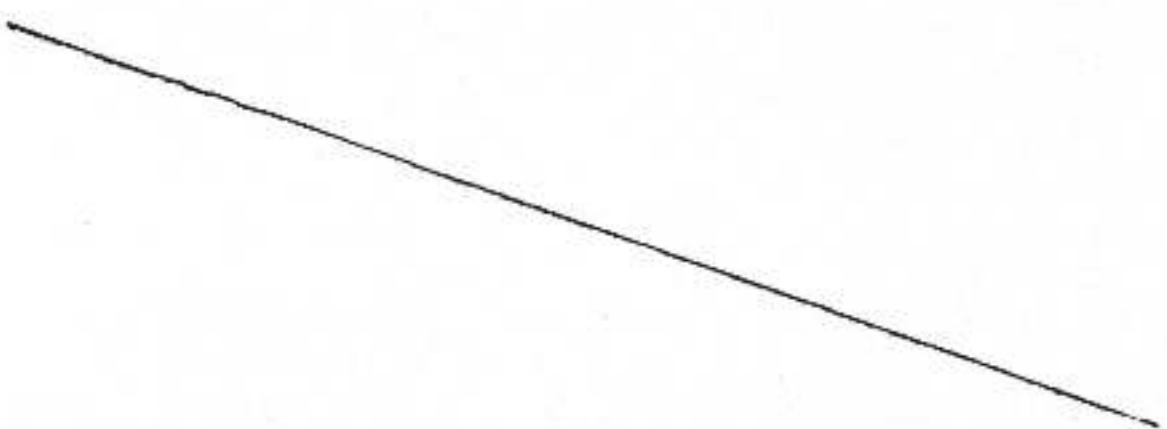
A. I impressed upon the Chief Minister of the Punjab to use his influence with the editors of newspapers who were inciting the people on this issue. I also pointed out to him that, according to my information, most of the Ulama could be influenced by him. In my opinion a direct appeal to the people on a religious issue, in

opposition to the views of the Ulama, could not have carried any weight whatsoever. I, therefore, considered that the right approach was to check the Ulama and the editors of the newspapers.

To Court:-

Q. Did you believe that if the Chief Minister used his influence with the Ulama in this Province, he could have stopped the agitation?

A. I was told that he had personal influence with most of the Ulama.



To counsel (continued):-

What about the Ulama of Karachi, Baluchistan, Sind and N.W.F.P.

I was in touch with some of the Ulama in Karachi. The Sind Ulama were not taking keen interest in the movement and the same was the case with the Frontier Ulama. Further, the Frontier Chief Minister, controlling them. Had not you, as Prime Minister, independent sources of publicity and means of direct contact with the Ulama and did you not utilize them?

The only source I had was the Ministry of Information and I believe that the Minister for Information, Dr. Ishtiaq Hussain Qureshi, came to the Punjab more than once.

To Court:-

Was anything reported by him to you?

He told me that Mir Nur Ahmad, the Director of Public Relations, had been directly supplying literature to the press on the subject, inciting the people. I asked him to speak to the Chief Minister, Punjab, and the Director of Public Relations.

Did you advise the Karachi Ulama in any way?

Yes.

What was the result of exerting your personal influence on them?

Nothing was reported to me.

. Nobody gave me any definite indication or promise, but the result showed that some of them at least were not in favour of Direct Action and consequently, nothing serious happened in Karachi.

. Was the Majlis-i-Amal formed in Karachi on 2nd June 1952?

. Yes. The formation of this Majlis was the direct result of Chaudhri Muhammad Zafarullah Khan's participation in the Ahmadiyya meeting held in Jehangir Park.

To counsel (continued)

. Is it a fact that all prominent Ulama of Karachi joined the anti-Ahmadiyya movement?

. Yes, this is so.

. Were frequent public meetings held in support of the demands?

. This is correct about the Punjab. As regards Karachi, I believe section 144, banning public meetings, was in force in those days and I have no recollection that any such meetings were held.

. Was persistent propaganda in favour of the demands going on in Karachi?

. Yes, to a certain extent. There were some articles about the demands in Vernacular papers only. The English papers kept quiet on the question.

. Did the Ulama hold meeting and press conferences in

connection with the demands and issue press statements?

A. This activity was confined mostly to Maulana Abdul Haamid Badayuni.

Q. Did you suggest to the Chief Minister of the Punjab as to what he was to do with the newspapers and the Ulama who were fanning the agitation?

A. The Ministry of Interior have got a complete record of the advice that they have been giving to the province for preventing the creation of ill-feeling; asking them to use the provisions of the Criminal Procedure Code in this connection where it was applicable. On the other hand, the Director of Public Information and I myself asked the Chief Minister to ask editors of papers not to excite the passions of the masses.

Q. What advice did you give to the Chief Minister in regard to the Ulama?

A. That the Ulama could make representations to him or to us without exciting the masses.

Q. Did you advise the Chief Minister to stop the Ulama from publicly expressing their religious beliefs?

A. Any such advice would have been against freedom of expression of religious opinion. I am afraid the Chief Minister also was anxious to avoid this. If the Government, Central

or Provincial, had prohibited the Ulama from publicly expressing their religious belief in regard to Khatm-i-Nabuwat, it would have found itself in clash with the Ulama and the people, and the policy of the Chief Minister was to shift the responsibility to the Centre. But what the Punjab did was not only to allow them to hold meetings but also to fail to exercise control when the speakers started going beyond the limits. Liberty of expression does not mean licence and in the case of the Punjab these speakers indulged in propaganda which clearly brought them under the provisions of sections 153-A and 295-A. I maintain that, if judicious use had been made of these two sections, the situation would not have deteriorated to the extent that even if the Ulama wanted to back out of Direct Action they dared not do so because of the public opinion.

Q. Did any provocative speeches come to your notice?

A. They came to the notice of the Ministry of Interior and that Ministry kept on addressing the Punjab Government on the subject.

Q. If I put it to you that no letter on the subject by the Ministry of Interior to the Punjab Government is on record from July 1952 to the end of February 1953, will you contr-

adict me?

A. Apart from the official letters on the subject, Mr. Gurmani, Minister for Interior, is in possession of a large number of telegrams which were addressed to the Punjab Government.

Q. Have you seen these telegrams?

A. Mr. Gurmani read out to me the purport of those telegrams. In one of the telegrams the Ministry of Interior inquired from the Punjab Government as to what action had been taken against some objectionable speeches that had appeared in the "Zamindar".

Q. Could not the Central Government take action against newspapers?

A. I believe the Central Government could take action under the Central Safety Act, but, as I have stated many times, this Act is to be used in extreme and rare cases where the safety of the State is threatened.

Q. Could you also have taken action against the Ulama under the Safety Act?

A. I have already stated that it would have been contrary to the doctrine of freedom of speech and the policy on which the Safety Act is administered.

Q. Why did you not refuse to see the Ulama who had been making offensive speeches?

A. If I had done so, it would have been against my policy of trying to convince them that they were not moving in the right direction.

Q. Did Maulana Akhtar Ali Khan visit you fairly frequently in one capacity or another?

A. He did not visit me frequently, but I saw him on a number of occasions and the impression I always got, after he had seen me, was that he was one of my most loyal and obedient followers, but the moment he returned to the Punjab he proved himself just the reverse.

Q. Why did you not then refuse to see Maulana Akhtar Ali Khan after you had come to know that when he went back to the Punjab, he acted quite contrary to what he had said to you?

A. It was my practice not to refuse interview to anyone, howsoever he might have behaved towards me.

Q. Did you ask Maulana Akhtar Ali Khan to stop writing in the strain that he had been doing?

A. The Khatm-i-Nabuwwat question was never discussed by me with him except when he came to me as a member of a deputation. I never discussed his articles on Khatm-i-Nabuwwat with him.

Q. What were your reasons for not discussing this matter

with him?

A. It was my experience of him that he had never carried out anything that he had promised to me.

Q. If Maulana Akhtar Ali Khan was spreading hatred against the Ahmadis by his writing, why did the Central Government then nominate him as a Pakistan representative to some conferences held abroad?

A. We accepted Dr. Ishtiaq Hussain Qureshi's advice.

It was he who was dealing with these matters.

I have an impression that Maulana Akhtar Ali Khan was the President of the Pakistan Newspaper Editors' Conference.

I am very doubtful if the Pakistan representative to the conference just now mentioned was at all paid by the Pakistan Government. We had to select a representatives to the conference and we selected him by reason of the position that he occupied in the Pakistan Newspaper Editors Conference. The fact, therefore, that the nominee was writing on Khatm-i-Nabuwwat did not affect the selection.

Q. Did Maulana Akhtar Ali Khan get a news-print quote of the value of Rs. 50,000/- in October, 1952?

A. I am not aware of it at all.

Q. Do you know if the Central Government ever sent any directions to the Punjab Government that action should be taken against certain Ulama or papers who had been taking part in the agitation?

A. I have already stated that the Ministry of the Interior inquired from the Punjab Government what action they proposed to take against certain writers and speakers and details of this should be available from the Ministry of the Interior or the Ministry of Information. I am sure that they possess a record which will show that they had drawn the attention of the Provincial Government to these matters.

Q. My question is whether, apart from bringing these matters to the notice of the Punjab Government, you gave any directions to the Punjab Government?

A. Apart from the suggestion that the Punjab Government should exercise its influence with the Ulama and the newspapermen and further suggesting the action against the offending Ulama and newspapers should be

taken under sections 153-A or 295-A, no other direction was issued.

Q. Was it due to the fact that the Central Government was afraid of the Ulama and wanted to bring about a clash between them and the Punjab Government that you did not take any action or direct the Provincial Government to take such an action?

A. No. How could I, sitting at Karachi, decide whether a certain Alim or other person had gone beyond the particular limits of the law. We could only give general directions and those we gave. Besides there was no use giving any directions when I was constantly receiving information that the Chief Minister and his officials were themselves encouraging the agitation.

Q. Did the Central Government have a branch of the I.B. in the Punjab?

A. I believe there was a representative of that department here.

Q. Was the Central Government receiving information from that Branch about what was happening in the Punjab?

A. Very likely the head of the department was receiving such information but this kind of information was not expected to be received by the Central I.B.

Q. Is the Central I.B. directly under the charge of the Prime Minister?

A. Yes.

To Court:-

Q. What are its functions?

A. Its duty is to supply information about the activities of foreign agents or enemies of the State, etc. The Provincial Branch would normally report about things in general but not about the part taken by individuals.

To Counsel continued:-

Q. Did the Provincial Branch of the Bureau give any information about the activities of the Chief Minister and his officials?

A. No. The information was received from other sources.

Q. Did you direct the I.B. to verify the information?

A. No, the reason being that the first information of this kind that I received was directly from the

Minister for Information and I could not ask the I.B. to verify the information that I had received from one of my colleagues.

Q. Did the Minister in question put up a note in this connection?

A. No. He said this to me in an interview.

Q. Did you put up this matter for discussion in any Cabinet meeting?

A. No.

Q. Did you write to the Chief Minister that such information had been communicated to you?

A. I spoke to him personally.

Q. When was it?

A. It was in one of my interviews with him before August 1952.

Q. Was it some time about the time of the conference held in Karachi on 4th August?

A. He had an interview with me probably on the 4th of August and I am almost certain that during the discussion that we had, I mentioned this to him.

Q. Did not Mr. Daulton in this interview press upon

you the necessity of formulating a definite policy and taking some decision on the demands because he thought this was a very acute problem for his Province?

- A. I am not sure of the date but immediately after the convention of the Ulama in Karachi the agitation started in the Punjab and in May or June, it is alleged, anti-Ahmadiyya articles were supplied by the Directorate of Public Relations. After that the Punjab Government promulgated an order under section 144, Cr.P.C. against the holding of meetings relating to the Khatm-i-Nabuwwat in mosques. The promulgation of this order resulted in a serious agitation and the Punjab Government were compelled to withdraw it. Subsequently there was a firing incident in Multan in July 1952. It was after this that I mentioned to Maulana Akhtar Ali Khan my intention to deal with this subject in my Independence-Day speech and, although it was an off-the-record conversation, the Maulana published it in his paper. It was after that that the Chief Minister, who happened to be in Karachi in connection with the meeting of the Basic Principles Committee,

definite whether it was he or I who started the discussion because I myself also was full of it. He asked me to come to a decision. Immediately after that I called a conference. The matter was discussed threadbare and a unanimous decision arrived at in the conference. I contend that the implication of this unanimous decision is that the consensus of opinion was that the issue of the communique of the 14th August was the best mode of dealing with the situation. We had come to that decision after discussing all the pros and cons of the matter. It was on the 4th of August that I brought to the notice of the Chief Minister of the Punjab the activities of the Directorate of Public Relations. He gave what appeared to be a plausible explanation, namely, that these newspapers depended for their circulation on the propagation of some popular subject and that this kind of news increased their circulation and that the reason for supplying them with the articles was to regulate

the tempo of the writings.

Q. Were you satisfied with this explanation of the Chief Minister?

A. Though not convinced, I accepted it. On such matters I could not start a fight with a Chief Minister. At this stage another question that naturally arises is why I did not take any action against the Chief Minister. The reason is that constitutionally the Centre cannot remove the Chief Minister except that in an extreme case the Governor-General may ask the Governor to dismiss him. The position in the Punjab at the time was such that an alternative Chief Minister was not easily available. The Muslim League Parliamentary Party could have created a difficult constitutional position by re-electing Mr. Jaultana as its leader which would have resulted in the dissolution of the assembly or the enforcement of section 92-A of the Government of India Act. I did not at the time feel inclined to take these extreme steps.

Q. Why did you not put such an important matter before the Cabinet?

A. The Press had been publishing reports of conspiracies against the Prime Minister for the last six or nine months, there were differences among the Central Ministers and a contemplated change in the head of the State. As compared to these matters, the information that I had received about this particular matter was of no importance at all. I had, however, sounded a warning to the Press in my speech on the 14th of August not to indulge in rumour-mongering.

Q. Were you then dealing with any problems relating to the stability of your own Government?

A. No. The stability of my Government, by the grace of God, was never in doubt and that was one of the reasons why I did not give to the activities of the Chief Minister of the Punjab that importance which I might have given to it in other circumstances.

Q. Will there be any documentary proof of your talk with Dr. Ishtiaq Husain Qureshi and the Chief Minister of the Punjab?

Q. I have no such record. Dr. Ishtiaq Hussain Qureshi might have some record but I am not aware of it.

Q. Did you put the matter before the conference which took place four days later?

A. No, because I have already said that after discussion with Mr. Daultans, I accepted what was apparently a plausible explanation. It was, therefore, no use embarrassing him by bringing a charge against him. Of course if I had been willing to go to the extreme extent, then I would have placed the matter before my Cabinet. Much more serious than this was the resigning of Mr. Daultans from the decision on the parity issue but I brought no charge against him though on that occasion I had a cast-iron case against him.

Q. Do you think that the three demands, which were pressed in the conference could only be tackled with by the Central Government?

A. Yes.

Q. Am I right in presuming that you considered it in the nature of an offensive on your part to take any action against the Ulama until the form which Direct Action was to take was announced?

A. No. - I could have taken action against the Ulama under sections 153-A and 295-A without rejecting the demands. I would have regarded myself as taking an offense if I had rejected the demands.

When the Ulama met me on 22nd January 1953, they gave me a month's time to accept the demands. Failing that, they threatened me with some sort of action, but I am not quite clear what the threat held out was. They did say that they would take some action. I do not remember whether the expression "Direct Action" or "rast iqdam" was at all used during the conversation.

For the threat held out by the Ulama, I do not think, any action would have been justified. Some time later, the matter was placed

before the Cabinet and they decided to wait for the form which the execution of the threat might take. I remember that in the Cabinet meeting in which this matter was discussed Birkat Abdur Rab Nishtar was present.

Q. Did you mention the decision of the Cabinet to him?

A. No. I would not mention to him a matter like this.

To Court:

Q. What was the individual attitude of Birkat Abdur Rab Nishtar in this matter?

A. In his talks with the Ulama he told them that he agreed with them that the Ahmadis were kefirs. He, however, made it clear to them that he was not in favour of the demand that the Ahmadis be declared a non-Muslim minority. He gave that reasoning to me in one of the conversations with me. He said that the arguments advanced by him had shaken Maulana Abul Hasan Ali Nadwi, though evidently, it transpired later, he could not persuade the Maulana to dissociate himself from the movement. His argument was that if we declared them a minority we would perpetuate their existence and give them representation in the legislature, however in-

significant it may be. Whereas in the 1951 elections in the Punjab not a single Ahmadi could be elected; by giving them separate representation some seats would have to be reserved for them.

To counsel (continued):-

- Q. If you could not reject the demands, nor accept them, nor make an announcement of your policy, how long could you expect the people to remain in/suspense?
- A. The decision was that two of the important sections of the Ulama were not prepared to precipitate matters, especially the Deobandi group and the Jama'at-i-Islami. It was, after the publication of the B.P.C. Report, that a small group decided to go ahead, and the fanning of the agitation and bringing it to a head was confined to the period of a month and a half. It was this intense propaganda in the Punjab, from the middle of January to the 26th of February, which remained absolutely unchecked by Government, that brought this crisis on. There are people even now, who have told me during this visit, of mine, that I can get evidence from the shopkeepers of Anarkali that it was the police who told them to close their shops and observe hartal

on the 16th of February when I visited Lahore. So, I maintain that, if reasonable action had been taken, the situation could not have worsened in the manner in which it did.

To Court:-

Q. Should we take it that, after the differences among the Ulama on the question of Direct Action, the only party left to lead the agitation were the Ahrar?

A. The Ahrar and the Bareilvi group, consisting of Maulana Abdul Haamid Badayuni and Maulana Abul Hasanat.

To Counsel (continued):-

Q. Were the masses interested in the movement?

A. The masses felt very strongly, but if there be a fire there is no conflagration unless somebody fans it.

Q. If it were the Ulama who were fanning the agitation, why did you not put them behind the bars?

A. I think this is what the Chief Minister of the Punjab should have done. He should have selected a few ringleaders and prosecuted them and this would have deterred the others from actively coming into the agitation. Besides, it was the nature of the propaganda which was being carried on. They came clearly within the purview of sections 295-A and

153-A. The demands could have been pressed but without creating any hatred.

1. If the law permits of action against a person who denounces another in a public meeting as a kafir or a murtadd, would you suggest action?

2. Yes. But what I had in mind was the way in which the agitation was carried on against Chaudhri Muhammad Zafarullah Khan in particular and the Ahmadis in general, who were refused burial in the Muslim graveyards, socially boycotted and their shops picketed, etc.

If the Ulama merely called Ahmadis as kafirs and murtadds and I had been the Chief Minister of the Punjab, I would not prosecute the Ulama for this. But, if what the Ulama said created hatred of the Ahmadis, I would take action. If no objectionable methods are used, any demand can be put forward before a Government in a democratic country.

3. May I suggest to you that, apart from your personal views on the religious concept of the State, you were collaborating with the Ulama in the country, so that in the framing of the constitution you may get their support for the following matters (1) that Urdu may not be the only national language

of the State and (2) that Bengal may have a perpetual majority in the Government?

The suggestion is absurd, because (i) the Objectives Resolution was adopted when the Quid-Millat was the Prime Minister, because (ii) in my first visit to Dacca I mentioned the Quid-i-Azam's remarks about Urdu being the only national language of Pakistan, (iii) because the Ulama were strongly in favour of Urdu as the national language and in Bengal the support for Urdu mainly comes from the Mulvis of Bengal; and there are other innumerable reasons why the suggestion is absurd.

Is it true that during the period that Mian Mumtaz Muhammad Khan Daultana was the Chief Minister, you had close friendship with Khan Iftikhar Hussain Khan of Mamdot?

I have the highest esteem and the greatest respect for the Khan of Mamdot. His services to the Muslim League for the struggle of Pakistan are not less than those rendered by any one else and the Muslim League in the Punjab owes its present position to the efforts of the father of Khan Iftikhar Hussain Khan and Khan Iftikhar Hussain Khan himself. He has,

therefore, throughout been my friend .

Q. Has there been rivalry in politics between the Khan of Mamdot and Mr. Daultana?

A. Yes.

To Court. (on suggestion by Sh. Bashir Ahmed that the witness had dined with Mr. Daultana last evening).-

Q. Did you last night dine with Khan Iftikhar Hussain Khan of Mamdot?

A. No. I dined with Mr. Daultana.

To Counsel contd.-

Q. Do you recollect that some of the members of the Provincial Muslim League Assembly Party who were opposed to Mr. Daultana, saw you in Karachi in 1953?

A. Yes. Several M.L.As. who were dissatisfied with Mr. Daultana, came to see me not only in Karachi but also in Lahore.

Some of these M.L.As had also been going

to Khwaja Shahabud Din, the Governor of North

West Frontier Province.

Sd/- M. Munir.
PRESIDENT.

1st December, 1953.

Sd/- R.R. Kayani.
MEMBER.

Witness No. 120 (Called by the Juma'at-i-Islami) Contd:-

Statement of Khwaja Nazim-ud-Din, on solemn affirmation:-

To Mr. Yequb Ali Khan, Advocate, for Mr. Daultana:-

Q. Apart from Dr. Ishtiaq Hussain Qureshi, who else gave you the information that the Chief Minister and his officials were encouraging this agitation?

A. I cannot remember the names, but quite a number of people came to me with this information.

Q. Could they be Khwaja Nazir Ahmad, Mr. Hamid Nizami and the Nawab of Mamdot?

A. As for the Nawab of Mamdot I am positive that it was not he who gave me this information. As regards the other two, they might have mentioned the matter to me at a very late stage.

Q. Did it not, during that period, occur to you that you should make inquiries about it from the Chief Minister himself or through some officials?

A. Because the information was given to me by a colleague of mine and he spoke from personal knowledge, it was unnecessary for me to make any further inquiries.

Q. You have stated that on 4th August the Chief Minister told you that the reason for supplying the newspapers those articles was to regularise the tempo of writings. Are you sure that he said this?

A. I would not swear that it was on the 4th, but during one of

the discussions I am sure that this was one of the explanations that he gave to me.

Q. When Mr. Daultana signed the report of the Basic Principles Committee, do you remember that he appended a note to it and stated that he was subscribing to the recommendations subject to that note?

A. There was no note of dissent, but a mere letter addressed to Mr. Tamiz-ud-Din. He did not say in that letter that he did not agree to the composition and the powers of the two Houses. As far as I remember, what he said was that he wanted a Unitary and not a Federal form of Government. I do not remember that anything was said about the composition and powers of the two Houses. I only casually read that letter and passed it on to Mr. Tamiz-ud-Din, the President of the Constituent Assembly. It was not, and I did not take it to be, a formal note of dissent.

Q. Are you in a position to contradict what I have said about the contents of that note?

A. If you pursue this matter, I must disclose everything. It was arranged at the meeting of the Basic Principles Committee that all the members would assemble on a date to be fixed for signing the Report. On the date fixed Mr. Daultana did not appear. I had to present the Report to the Constituent

Assembly on the fixed date. I rang him up and asked why he had not turned up to sign the Report. He said that he authorised me to sign it on his behalf. I thank God that I did not do that. Instead I sent my Political Secretary with the Report to have it signed by him. He signed the Report without a note of dissent, but appended a letter to the President.

Q. Were you anxious that the Report of the Basic Principles Committee should be adopted by the Constituent Assembly?

A. Naturally.

Q. Is it not correct that, if the recommendations had been accepted, West Pakistan would have become eternally subservient to East Pakistan?

A. No member of the Basic Principles Committee from West Pakistan expressed any such apprehension. On the other hand, I was informed by Mr. Khalil-ur-Rehman that Begum Shah Nawaz had gone to him and said, "I congratulate you that you people had been able to get Mr. Nur-ul-Amin to agree to 'parity'."

Q. Do you recall that in that Report it had been provided that East Pakistan would remain in 'parity' with West Pakistan, even if the latter outstripped the former in population or even if Kashmir were annexed to it?

A. This is so, because East Pakistan was for the time being

giving up the advantage that it then possessed by reason of its population.

Q. Was it because Mr. Nur-ul-Amin and the entire East Pakistan were not prepared to accept anything less than 'parity' in the form in which it was pressed that these provisions were made in the Report?

A. When the first Basic Principles Committee Report was published, there was a widespread demand from East Pakistan that they should get representation according to their population. The late Quaid-i-Millat invited all the M.C.As. from East Pakistan to his house, including Mr. Fazl-ul-Haq and there he suggested a compromise on the basis of 'parity' which was accepted by all the M.C.As., including Mr. Fazl-ul-Haq.

Q. Is there any record of all this? If so, where is it?

A. I think the signatures of the M.C.As. were obtained on this agreement and very likely the document is with Mr. Nur-ul-Amin. This agreement was also published in the papers at the time.

Q. I put it to you that such a document never came into existence and that you yourself have not seen it.

A. How could I see it when I was myself the Governor-General.

The responsible Ministers, including Chaudhri Muhammad Ali, told me about it. Chaudhri Muhammad Ali was then the Secretary-General and happened to be in U.S.A. at the time. On the day following the publication of the present Report, Chaudhri Muhammad Ali came to me and expressed his disapproval of it. When I told him that Nawabzada Liaquat Ali Khan had himself agreed to the principle of 'parity', he replied that he had told the Nawabzada also upon his return from U.S.A. that this should not have been done.

Q. Did you, after you came to know that the Punjab was agitated over the recommendations of the Basic Principles Committee in respect of the 'parity' issue, reopen the subject with East Bengal leaders?

A. This question was the main stumbling block in going ahead with the framing of the constitution. So, I thought that we must get the Cabinet to agree before I went to the party meeting, where I did not wish the Cabinet Ministers to speak against one another. The Cabinet discussed the matter for two or three days. Alternate formulas were presented, one of them by Chaudhri Muhammad Ali, Finance Minister. This was the same as the present compromise-formula minus the condition about 30%. I was

in favour of this formula, but unfortunately at the time Mr. Nur-ul-Amin (who like Mr. Daultana had been specially invited) and Mr. Fazl-ur-Rahman were not willing to agree.

Consequently, Chaudhri Muhammad Ali withdrew his formula.

Subsequently Mr. Fazl-ur-Rahman and Mr. Nur-ul-Amin agreed to the formula and then Chudhri Muhammad Ali said that he had withdrawn it. Some other alternate suggestions were also made in that Cabinet meeting, but there was no agreement on them.

Q. Do you know that the main objection of Mr. Daultana to 'parity' was that it would not make the Units in the Federation dependant upon each other?

A. I do not know when Mr. Daultana started using this argument. It was certainly not during the Cabinet discussions. There he asked me to go with him to the Punjab to try and convince the people of the Punjab of the justification of the 'parity' proposal and, it is possible that he supplied this argument to the members of the deputations who waited on me. I may also mention that he gave an exclusive interview to a representative of the "Dawn" in Lahore in which he fully supported the principle of 'parity', after the publication of the B.P.C. Report.

Q. Has not the present compromise formula

accepted the principle for which Mr. Daultana was contending?

A. I do not think so.

Q. When was the meeting of the Cabinet held in which you communicated to the Ministers the delivery of ultimatum to you?

A. Probably on 12th February. The minutes of the meeting would show what was decided at that meeting.

Q. Did it come to your notice that after 4th August, 1952, the four newspapers which had previously been engaged in this controversy stopped writing about it with the exception of the "Zamindar"?

A. As far as I remember this is not correct.

Q. Is it a fact that after the publication of the Basic Principles Committee report in December, the people of the Punjab had been so much occupied with the party issue that up to the date when the Ulems delivered the ultimatum to you very little

newspapers.

Q. Was any action taken?

A. No.

Q. Was any action taken against any Alim who was making similar speeches?

A. No, but what was said in the Press or on the platform in the Punjab was very much more virulent and abusive in character; for instance, in Lahore and some other districts of the Punjab, Chaudhri Muhammad Zafarullah Khan was depicted as a donkey or a dog. Nothing approaching this ever happened in Karachi.

Q. Apart from the conference held on 8th, 9th and 10th August, were the demands considered in any meeting of the Cabinet right up to 12th February?

A. As a result of our decision in August and the publication of the communique, the agitation died down and there was no occasion for any further conference. I hoped that it would ultimately end altogether. It was, however, revived after the 22nd of January. The

A. Yes.

Q. Was the secro-phone used on the 6th?

A. No. Throughout the day we could use only the general telephone and during one of these conversations, when the Governor hinted about the military taking over, the telephone was immediately cut off.

To Court:

Q. Was anything about the military also said by Mr. Daultana?

To Counsel

A. No.

Q. Did you instruct Col. Iskandar Mirza to tell General Muhammad Azam to take over?

A. In actual fact I told him that General Azam should be ready to take over. It was assumed that he would take over without further reference to us if the situation so demand. I do not remember whether I had instructed Col. Iskandar Mirza to request General Muhammad Azam to take over. I, however, accept responsibility for General Muhammad Azam's action, because taking over by the military was, in my opinion, the only way in which the situation could be saved.

Q. In your interview with him in July of which the report was published in the "Zamindar" of 4th August 1952, did you tell Maulana Akhtar Ali Khan that you would publicly announce acceptance of the demands on the Independence Day?

A. Certainly not.

Q. What did you tell him then?

A. I told him that I would deal with this question in my speech of the 14th of August. The report in the "Zamindar" which did come to my notice is incorrect.

Q. Did this report create false expectations among the public?

A. Very likely.

Q. If it created false expectations, why did you not contradict it?

A. My conversation took place with the Maulana in the presence of several other newspapermen. If this news item had been specifically brought to my notice by the Ulema, I might have contradicted it.

Q. Did you in your speech on the Independence Day refer to this false report in the "Zamindar"?

A. Innumerable false reports appear in newspapers and we do not always contradict them.

Q. Did some Ulama wait upon you on the 16th of August, including Maulana Murtaza Ahmad Khan Maikash, Maulana Abul Hasanat, Master Tajuddin Ansari, Maulana Abdul Haamid Badayuni and Maulana Ehtishamul Haq?

A. Most of them did.

Q. Did these Ulama remind you that what was published in this news item had, in fact, been promised by you and that your speech on the Independence Day had belied their expectations?

A. I contradicted the statement that I had promised to Maulana Akhtar Ali Khan that our policy would accord with the demands of the Ulama. But I said that my remark that I would deal with this question in my speech of the 14th of August, was not meant for publication because, owing to its publication, I would have to deal with that question on that date; but as later on the Cabinet was of the opinion that I should not deal with it in my speech, I had to issue a communique that very evening so that I may not be accused of not dealing with it

that day. From this it will be clear that when I said it was not meant for publication, the publication of that news did embarrass me. What I told Maulana Akhtar Ali Khan was not meant for publication but only as a piece of information to him and the reason for my so doing primarily was that I did not want to go into details with him at the moment.

Were the Ahrar meetings in Karachi to which you have referred in your evidence, addressed by Sayyid Ata Ullah Shah Bokhari?

I do not know.

You have said in your evidence that human ingenuity should have been able to discover a via media to deal with the demands. Have you up till now been able to discover any such via media?

In the conference that was held on 13th, 14th and 15th of April, 1953, in which the Governors and the Chief Ministers of all the Provinces took part, with the exception of the Governor of East Pakistan, and at which were also present

the Chief Minister of Bahawalpur, the Commander-in-Chief, the Defence Secretary, the Home Secretary and the A.G.G. Baluchistan, the situation was discussed for three days, because there was an apprehension that after withdrawal of the Martial Law the agitation would be revived. Various suggestions were made, but were not accepted; except that in the end, when I put forward the suggestion that the head of the Ahmadiyya community should be asked to publicly announce that he and his followers would not make any attempt to convert the Muslims in Pakistan. I pointed out that it was true that according to their belief they should try and convert people to their faith, but there were millions of non-Muslims who were outside the pale of Islam and their duty would be fulfilled if instead of trying to convert Muslims, who were all believers in the same faith which they themselves professed, they first tried to convert the non-Muslims. Then Sir Zafarullah asked me a number of questions, one of them being whether they would be allowed to hold private meetings and I said that as long

as they did not invite the Muslims, if any Muslims went to their private meetings there could be no objection. Another question put by him was whether there would be any objection to any Muslim receiving their literature if he asked for it, and I said, if they did not themselves distribute it to the Muslims, there could be no objection if any Muslim specifically asked for it. There were one or two other questions of the same kind. It was arranged that the Governor of the Punjab would give facilities to the head of the Ahmadiyya community to call his council and discuss this question. Sir Zafarullah Khan was to go there with these proposals. According to the notes of the proceedings of that day, it appeared that all those present agreed with this proposal and steps were to be taken to give effect to it. Two days later I was removed from office and nothing has been heard of this proposal since.

Q. Will you kindly recall that on 9th or 10th March 1953, you had a telephone conversation with His Excellency the Governor of the Punjab, when you asked His Excellency to convey a message to the Chief Minister of the Punjab that with regard to the events of 6th March and the handling of the situation up to that date the Central Government was fully satisfied with his conduct?

A. I could have said this only if I had been out of my mind. What actually happened was that either on this date or on a subsequent date, when the Governor told me that, in view of the fact that Mr. Daultana had issued a second public statement, there should be no question of taking action against him, I said that, as he had accepted our suggestion and issued the second communique, we would take no action against him as long as he remained faithful to it.

Q. Did you come to Lahore on the 22nd March?

A. Very likely.

Q. Did you give him an assurance that so far as his conduct of the 6th March was concerned, you had no reason to be dissatisfied with him and that if you were to accept his resignation it was because he himself made an offer?

A. I do not recollect saying that, but what actually happened was that he expressed agreement to resign and said that

we should continue to be friends. And we are still friends.

Q. Do you remember that the Nawab of Mamdot met you in Lahore on that occasion?

A. Yes. I met him after some of the Ministers had resigned.

Q. Is it correct that the Nawab of Mamdot went to Peshawar and asked the Governor of N.W.F.P. to use his good offices and prevail upon you to remove Mr. Daultana?

A. All that I know is that he went to Peshawar, but I do not think that any such suggestion was made to the Governor because the Governor himself gave no such indication to me.

Q. Is it a fact that the Nawab of Mamdot asked you to remove Mr. Daultana, and he promised that his whole party would not oppose the passage of the Budget, provided you removed Mr. Daultana?

A. As I have already explained, I was not in a position to take any action against Mr. Daultana, because he had carried out my advice. When Mr. Daultana offered to resign and I decided to accept his resignation, I did not disclose this fact to any one, except His Excellency the Governor General and Mr. Gurmani. Even the Defence Secretary, who was to accompany me, did not till the last minute, know where I was going. The pilot of the

Viking was told to be ready to take me to Peshawar. Until I arrived at the aerodrome at Karachi, he did not know that I was going to Lahore. In the Cabinet Meeting I told my colleagues that I was going to Lahore, but I did not tell them what I was going there for. Not even the Governor of the Punjab knew why I was coming to Lahore. There is, consequently, no question of the Nawab of Mamdot making any suggestion to me.

Q. Did it come to your notice that the "Imrooz" and the "News-i-Waqt" were also contributing articles in favour of the movement?

A. No. On the contrary, my information was that they were not giving prominence to this issue.

Q. Did you know that Kh. Nazir Ahmad of the "Civil & Military Gazette" was a close friend of Nawab Iftikhar Hussain Khan of Mamdot?

A. No.

Q. When you came to the Punjab in February, did you go on tour to Sargodha?

A. Yes, I went there on a shooting excursion.

Q. Did you at Sargodha meet Malik Khizar Hayat Khan and some

other prominent members of the quondam Unionist Party?

I

I think did meet Malik Khizer Hayat Khan.

Did you ask him whether he could help you in forming

an alternate Ministry to that of Mian Mumtaz Muhammad Khan

Daultana?

The Commander-in-Chief was with me and the question of

alternate Ministry was not discussed or even thought of.

Did Khan Jalal-ud-Din ^{Khan} of N.W.F.P. in a speech support the demands?

My information was that he had only spoken against the Foreign

Minister and the Prime Minister and for this indiscretion

he was taken to task by the Governor and the Chief Minister

of the N.W.F.P.

Was Mr. Gazdar an ardent supporter of the demands?

Yes.

Was it after this incident that Mr. Gazdar was appointed

Deputy President of the Constituent Assembly?

The one has nothing to do with the other, but the statement of fact is true.

Is it a fact that all opposition parties and newspapers

were carrying on propaganda against the Muslim League that

that party being in power its Government must formulate some policy regarding this matter?

A. I am not aware of it.

Q. Do you know if in the agenda for the Dacca session of the All Pakistan Muslim League, held in October 1952, there were two resolutions, one by Mr. Gazdar and the other by Mr. Manzoor Hasan of Gujranwala, proposing that the Ahmadis be declared a minority?

A. I am sure there was such a resolution in the name of Mr. Gazdar. Mr. Manzoor Hasan's resolution might also have been there, but I am not sure.

Q. Were these two resolutions brought up at the meeting presided over by you?

A. All the resolutions came up before the Working Committee, but since Mr. Gazdar was absent his resolution was not moved. As regards the resolution to be moved by Mr. Manzoor Hasan, what must have happened was that Mr. Daultana was asked to see that the resolution was not moved.

Q. Did you have any discussion with His Excellency the Governor at Murree on 26th August regarding the anti-Ahmadiyya movement?

A. There was no separate discussion with the Governor and

he was present when the matter was discussed with the Chief Minister. The Governor and the Chief Minister both suggested that a decision on the issue should be taken.

This discussion took place while we were having tea.

Q. Did you mention to the Governor that the Chief Minister himself and his officials were fanning the agitation?

A. No, because I have already stated I was not pursuing that subject with Mr. Daultana.

Q. Did you have any talk regarding the demands with the Governor when you came to Lahore on 16th February 1953?

A. Yes.

serious criticism
of measures and even more of lack
of measures to meet the situation."

Q. Did you then mention to the Governor that the Chief Minister and his officials were fanning the agitation?

A. No.

Q. Did the Central Government pay a sum of rupees two lac to the "Dawn" while you were the Prime Minister?

A. I am not aware of it.

Q. In the telephonic conversation which you had with the Chief Minister before coming to the Punjab, did the Chief Minister tell you that he had been informed that you had no confidence in him and that he was willing to resign if you so liked?

A. No. Nothing of the kind happened.

Q. Do the following words from the Governor-General's speech as published in the "Pakistan Times" dated 18th April, Ex.D.S. 216, refer, among other matters, to the failure of your Government to deal with the situation that had arisen in consequence of the demands:

"The Law and Order situation needs firm handling. There has been most serious criticism of Government measures and even more of lack of measures to meet the situation."

A. The defence Secretary and the Commander-in-Chief assured me again and again that I could rely on the Army and that they will not let me down. I did not realise at the time that this assurance meant that if I asked them to mow down the Muslims with bron-guns and machine-guns, they were at my back, but if I pursued a policy which was contrary to their ideas, then the support will not be there. The reason why the Governor-General was able to remove me was that the Defence Secretary and the Commander-in-Chief sided with him.

Q. Is it a fact that throughout the relevant period you were avoiding to face the situation which had arisen out of the three demands?

A. I was trying to avoid the slaughter of the Muslims which, in my opinion, was inevitable if the demands were rejected outright without any amending steps being taken to remove the root cause of the grievance.

Q. Why did you not place this matter before the Constituent Assembly to satisfy those who were prosecuting the demands?

A. At every stage that the question came up, I

consulted the top-ranking men not only of the Centre but of the Provinces. The situation was discussed but no solution could be found. The decisions in such meetings were taken by common consent. The present Government, strong and efficient as it is, also has not so far been able to take any decision in the matter.

R.O. & A.C.

Sd/- M. Munir.
PRESIDENT.

2nd December 1953.

Sd/- M.R. Ksyani.
MEMBER.

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Witness No. 121 (Called by Court)

Mr.A.A. Ansari, Deputy Commissioner,
Rawalpindi, on S.A.-

Q. In your statement you have referred to a certain
rabid communist, Masud Malik by name, a student
of the Government College, Rawalpindi. Did you
see this man on 8th March?

A. Yes.

Q. What was he doing?

A. I saw him for the first time near the Fawwara
Chowk. He was addressing the crowd over a micro-
phone, which had been attached to a tonga. He was
inciting them to violence.

To Masud Malik (With permission):-

Q. Can you give the substance of what I was saying?

A. I cannot recall the exact, but the speech
was of a most inflammatory character, and
taken in conjunction with what had preceded
and followed it, led me to take action against

you under section 3 of the Safety Act.

To Mr. Yaqub Ali Khan on behalf of Mr. Daultans.-

Q. Did you take over from Mr. S.I.Haq?

Q. Yes, I took over from Mr. S.I.Haq on 5th March.

Q. Before he handed over charge, did he give you a background of the movement?

A. It was not a very comprehensive background, but the general lines of the activities of the sponsors of the movement were not unfamiliar to me. Much had not happened up to that date in Rawalpindi.

Q. Is it correct or incorrect that Mr. Haq told you that his policy had been to permit the volunteers to leave Rawalpindi so that the funds of the Majlis-i-Amal be exhausted?

A. What he said was that since there was nothing in the Government instructions to warrant these persons being stopped, especially since section 144 had not been promulgated and there was no law to enable us to take the necessary action, the local authorities through there was no harm in allowing the volunteers to proceed to Karachi, and it was only

in the evening of the 5th, when I joined, that specific instructions were received, that these volunteers must be stopped from proceeding to Karachi. This tied our hands; otherwise, if it were purely from the law and order point of view, there was nothing improper or illegal in allowing them to proceed to Karachi.

Q. Is it correctly stated in your written statement:-

"I had understood that one of the rules adopted by S.P. and my predecessor was to exhaust the finances of the so-called Committee of Action of the All Muslim Parties Convention, to point out to them that the Provincial Government was not competent to satisfy their demands and they should consequently divert their jathas to Karachi to air their grievances before the appropriate authorities."

A. I understood this to be the effect of what he told me.

Q. Do you remember Mr. Haq informing you that his policy and that of the Superintendent of Police

had been to point out to the Committee of Action that the Provincial Government was not competent to satisfy their demands and that consequently they should divert their jethas to Karachi to air their grievances before the appropriate authorities?

A. Yes, I understood him to mean this.

Cross-examination by other counsel:- -----NIL-----

H.O. & A.C.

Sd/- M. Munir.
PRESIDENT.

1st December, 1953.

Sd/- MR. Kayani.
MEMBER.

ORDER

Proceedings adjourned till tomorrow,
when the statement of Khwaja Nazimuddin will be
continued.

Sd/- M. Munir.
PRESIDENT.

1st December, 1953.

Sd/- M.R. Kayani.
MEMBER.

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2nd December 195361st Sitting.

PRESENT:

Hon'ble Mr. Justice Muhammad Munir,
 Chief Justice, President,

Hon'ble Mr. Justice M.R. Kayani, Member,

Mr. Faiyaz Ali, Advocate-General,
 Pakistan, for the Central
 Government.

Mr. Fazal Ilahi, Advocate, assisted by
 Mr. Ijaz Ali, for the Punjab
 Government.

Mr. Yaqub Ali Khan, Advocate, for Mian
 Mumtaz Muhammad Khan Daultana.

Mr. Bashir Ahmad, Advocate, assisted by
 Mr. Abdur Rahman Khadim, Advocate,
 for Badr Anjuman Ahmadiyya, Rabwah.

Mr. Fatah Muhammad Aziz, Advocate, for
 Ahmadiyya Anjuman-i-Isha'at-i-Islam.

Mr. Mazhar Ali Azhar, Advocate, for the
 Majlis-i-Ahrar,

Maulana Murtaza Ahmad Khan Maikash, Member,
 Majlis-i-Amal, in person.

Mr. Nazir Ahmad Khan, Advocate, for Juma'at-i-
 Islami.

Witness No. 122 (Called by Mr. Daultana)

The Hon'ble Sirdar Bahadur Khan, Communications

Minister, Government of Pakistan, Karachi, on S.A.-

Q. Do you recollect that a conference was held in Karachi on 8th August 1952, which was attended by the Ministers of the Central Government and the Chief Ministers of the Punjab and N.W.F.P.?

A. Yes.

Q. Did you also attend that meeting?

A. Yes, I also attend that meeting.

Q. Was this conference convened to consider the Khatm-i-Nabuwwat movement and the three demands which were being pressed on the Government?

A. To the best of my recollection, this conference was convened with a view to reviewing the political situation obtaining in the country as a consequence of the three demands.

Q. Do you recollect that at this conference the Chief Minister of the Punjab presented his views?

A. Yes.

Q. Can you recollect his views?

A. He urged that the Central Government should take a clear and unequivocal decision with regard to the main demands, and the administrative machinery in the Punjab and the officials who would have to deal with the situation, would then be on a stronger wicket if a

clear policy were formulated.

Q. Did he say what would happen if Government did not come to a firm decision?

A. He made it clear that the Punjab Government would be in a weak position if no clear pronouncement were made.

Q. Did he say something about making a political approach by educating public opinion?

A. He said that whatever decision the Central Government took, the Provincial Government would have to mobilise its political machinery, namely, the Muslim League and the press, to educate the public according to it.

Q. Was any Press Communiqué discussed in that meeting?

A. We had three meetings, to the best of my recollection, on 8th, 9th and 10th August. The meetings were not formal Cabinet meetings. Sir Zaferullah Khan had not been invited to these meetings, and no officer of the Cabinet Secretariat was asked to be present. To the best of my recollection, I do not think the Press Communiqué was discussed in these three meetings. The Press Communiqué, which was issued on the 14th August, was discussed in

a meeting held on the 11th August, and if I remember correctly, Sir Zafarullah Khan was present at that meeting, and it was a regular Cabinet meeting.

Mr. Daultana was present in all the conferences of 8th, 9th and 10th August.

Q. What was the attitude of the Chief

Minister of N.W.F.P. towards these demands during the period June 1952 to the end of February 1953?

A. My information on this point is very sketchy. There was a Governors' conference held from the 13th to the 15th of February 1953. In this conference all the Governors of West Pakistan, the Defence Secretary, the Central Cabinet Ministers, the Chief Ministers, the Commander-in-Chief, the A.G.G., Baluchistan and, I think, the Secretary for Interior were present. We discussed the situation. Khan Abdul Qaiyum Khan, the then Chief Minister of N.W.F.P., just tried to make a point that his administration had been able to deal with the situation much more effectively than anybody else did. Khwaja Shihabud Din remarked, "If you make the statement, it is only fair that you tell them how you dealt with the situation". He gave

an impression that he had maintained law and order by saying: "We sympathise with your demands; we will urge upon the Central Government to accept them, but the people should maintain law and order". Another piece of information that I possess is that Khan Jalalud Din Khan, a Minister of the North West Frontier Province, who belongs to my district, made a very poisonous and vulgar speech at Mansehra, one of the worst affected spots, in which he actually abused Sir Z. Farullah Khan. I am further told that after the Juma prayer, he actually headed the procession which marched through the streets of Mansehra. Then again, I am told, fairly later he made another speech after Juma prayer in Abbottabad and repeated what he had said at Mansehra.

Q. What was the policy of Khwaja Nazimuddin as Prime Minister?

A. This is an embarrassing question, and I do not think I am competent to answer it. I can tell you what my own attitude was.

Q. I suggest it to you that because the Khair-i-Nabuwwat movement was a very popular subject and

the Muslims in the country had very strong feelings over it and almost all the Ulama were united in support of the demands, the then Prime Minister was not prepared to face the situation and was just trying to avoid it. Is it so?

A. I think it would be better if the scope of the question were widened and I were asked as to what was the attitude of the Central Government as a whole.

Q. Will you tell us what was the attitude of the Central Government? ✓

A. My own opinion is that they were avoiding the issue.

To Court:-

Q. If it is put to you that the Central Government thought that since the problem could be dealt with more suitably if it were treated as a law-and-order problem and that, consequently, the Central Government were not called upon to give an immediate decision on the demands, what would be your view?

A. My view is that the country was faced with three concrete demands, and according to me if at all anybody was competent to give its decision on those demands, it was the Central Government alone that

could give it. Besides, my own opinion is that those who put forth these demands constituted three elements; firstly, those who genuinely believed in the demands, and these were prepared to sacrifice their lives for them; secondly, there was another element who wanted to make political capital out of them; thirdly there was an element which consisted of a large majority of people, who were being given to understand that if they pressed their demands and pressed hard, the Central Government would accept them. I believe that if the Government had taken a clear and unequivocal stand, that large majority of people who were in the movement in the hope that if they struck and struck hard, they would be able to see their demands through, would have withdrawn from it, and the movement could never have gained the momentum that it did. I urged this point of view right from the beginning.

Q. In the conference of 8th, 9th and 10th August, did Mr. Daulton suggest whether the demands should be accepted or rejected?

A. His general attitude was that the demands were unreasonable and should not be accepted.

Q. What ultimate conclusion did the conference arrive at?

A. If I remember correctly, the conference did not arrive at any conclusion with regard to the main demands. I am not sure whether there was any unanimous decision regarding the statement issued on the 14th of August.

Q. Did the conference come to a decision that so far as the demands were concerned, no final decision should be taken?

A. I do not think this question came up for discussion in the conference. It is, however, possible that the subject-matter of the communique which was eventually issued on 14th August might have been discussed, but I am not sure about it. The final decision about this communique, as I have already stated, was taken on the 11th August.

Cross-examination:- Nil.

R.O. & A.C.

Sd/- M. Munir
PRESIDENT.

2nd December 1953.

Sd/- M.R. Kayani,
MEMBER.

WITNESS NO. 123 (Called by Mr. Daultana):-

The Hon'ble Mr. Mushtaq Ahmad Gurmahi, Minister
for the Interior, Pakistan Government, Karachi, on S.A.:-

(This witness was cited by Mr. Daultana. His
counsel Mr. Yaqub Ali Khan states that he does
not consider it necessary to examine him.)

To Court:-

Q. Apart from the two policy letters issued by the
Central Government regarding sectarian agitation
in the Punjab, did the Ministry of the Interior
also issue any letters regarding the manner in which
situation in the Province was to be handled?

A. The question of directions does not arise because
the responsibility for the law and order exclusively
lies with the Provincial Governments. The
Central Government, however, did make inquiries
and tender informal advice to the Provinces in regard
to the situation prevailing there.

Q. Will you be able to recount the occasions on which,
to your knowledge, such advice was tendered
to the Punjab Government?

A. Yes. I will do so ^{on} a reference to the relevant
files which I have brought with me:

- 1). The Ministry of the Interior issued a letter on the 6th May 1952 in which attention of the Government of the Punjab was drawn to the objectionable character of the Ahrar meetings held by them at Sialkot and Lyallpur. The Provincial Government were asked to let the Central Government know of the action which the Provincial Government proposed to take. The reply from the Provincial Government was that they were taking cognisance of the situation and that the Ahrar leaders had been warned.
2. In July 1952 the Ministry of the Interior asked for information from the Punjab Government regarding the trouble in Lahore on the 26th and 27th of July and the action taken by the Provincial authorities in this respect. The Punjab Government had taken action and they informed us of it.
3. The attention of the Punjab Government was drawn, from time to time, to the anti-Ahmadiyya articles appearing in certain newspapers. On the 18th February 1953 a telegram to the effect that the Central Government had received information that anti-Ahmadiyya elements intended to whip up the agitation by courting arrests from 22nd February, was sent to the Provincial

Government. It was requested to transmit its comments on the point and to take necessary measures to stop the Press from fanning the agitation.

These three occasions have been quoted by me merely as instance where the Central Government drew the attention of the Provincial Government to the situation as it was developing.

Q. Could you, on your return to Karachi, get your office to send us copies of all such letters and the replies thereto in chronological order?

A. Yes.

Q. What it ever brought to your notice that the Director of Public Relations in the Punjab had been contributing some articles regarding the Khatm-i-Nabuwwat movement to the Press?

A. Yes. On one occasion the Hon'ble Minister for Information and Broadcasting, Dr. Ishtiaq Hussain Qureshi, mentioned to the Members of the Cabinet that he had received complaints that the various articles appearing in the Punjab Press were being supplied through agencies which were either Government or patronised by the Government and that

on hearing the complaint he ^{had} had discussions
with the Chief Minister of the Punjab and the
Director of Public Relations. The Chief Minister
denied all knowledge and promised to make inquiries.
The Information Minister said that the explanation
of the Director of Public Relations did not satisfy
him. This was some time in the summer of 1952.
I do not remember the exact date.

To Court:-

Q. During the disturbances did Mr. Daultane ever ask you to come over to Lahore?

A. Yes, on 6th morning Mr. Daultane rang me up and told me that the situation in Lahore had deteriorated, and asked me if I could reach Lahore before lunch to discuss it with him. I told him that I was going to the Cabinet meeting which was fixed earlier, and that I would try to come as soon as I was free. In view of what happened at the Cabinet meeting, I found it futile to go to Lahore.

At the suggestion of Mr. Bashir Ahmad, Advocate.-

Q. Did a deputation of the Ahmadis wait upon you some time in July 1952?

A. Yes.

Q. What was their complaint?

A. Their complaint was that the press in the Punjab was instigating people to hatred against the Ahmadis, and, as far as I can recollect, I told them that this was a matter which fell within the

sphere of Provincial responsibility, and that if they had any complaint, they should bring it to the notice of the authorities concerned. I also told them that if I had an opportunity I would also find out the real position, and, as I have already stated, about that time the Hon'ble Minister for Information and Broadcasting had a discussion with the authorities here and due cognizance was taken of it.

At the suggestion of Mr. Faiyaz Ali, Advocate-General,
Pakistan.

- Q. On 17th November 1952 some questions were put to you in the Constituent Assembly about the agitation going on in the Punjab and you gave certain answers. Will you please state what the questions were and what answers you gave?
- A. The question related to the banning of Public meetings and processions which endangered or tended to endanger peace or were a threat to public law and order on sectarian grounds, and the member asked if any steps have been taken and the result of the same. My

ANSWER WAS:

"The Provincial Governments who are responsible for the maintenance of law and order in their jurisdiction, have been taking necessary action in the matter. The banning of public meetings or processions is the concern of the Provincial Governments. In view, however, of the possible repercussions of aggressive sectarian agitation on Pakistan as a whole, the Central Government have apprised all Provincial Government and administrations of their views on this subject. The Government of Pakistan consider that while the legitimate rights of any community or sect should not be unduly restricted and no discrimination should be made between the protagonists of differing views, sectarian controversies should not be allowed to reach a point where public peace and tranquillity may be in danger. Militant or aggressive sectarianism should be dealt with impartially and firmly according to the law".

In answer to the second part of the question as regards the results I said:-

"It should be difficult to assess with certainty the immediate results of Central and Provincial action, but these would largely depend on the manner in which the general policy is implemented and what is by far most important and necessary, on the good sense and the feeling of national solidarity of the people of Pakistan."

Q. Please look at Ex.D.E. 211 and say whether this correctly represents the decisions taken at the conference held in the morning of 27th February 1953?

A. Yes, this document rightly represents the decisions taken by Government.

To Mr. Mazhar Ali Azhar on behalf of Majlis-i-Ahrar:

Q. What was the information regarding the Ahrar from Lyallpur and Sialkot?

A. The information that we got was through the fortnightly reports that we received from the Provincial Governments. It was as follows:-

"Ahrar workers have been instructed by their organization to work in constituencies where Ahmadi candidates are seeking elections and to take an oath from each voter not to vote for those who do not believe in the finality of the Holy Prophet. Agitation against Ahmadi candidates is particularly strong in Lyallpur district. Meetings were held at Chak Jhumra, Dera Ghazi Khan and Muridke where virulent speeches were made against the Ahmadis."

"Anti-Ahmadi propaganda was carried on by prominent Ahrar leaders. On the 9th May a mock funeral of the Hon'ble Chudhri Zafarullah Khan was taken out at Lyallpur. Ghazi Sirajud Din Munir continued to advocate a social boycott of the Ahmadi community. It is reported from Sialkot that to counter-blast the activities of the Ahrar, the Ahmadis were planning to organise a big conference at Chowinda."

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at fortnight of

"It was stated that as the Ahmadi-Ahrars tension was becoming acute in certain districts, orders under section 144 of the Criminal Procedure Code, banning all meetings and processions, were being promulgated."

ne.

"The reaction to the banning of the public meetings of the Ahrars and Ahmadis was that whereas the Ahmadis seemed to acquiesce in the orders promulgated under section 144, Criminal Procedure Code, the Ahrars tried to evade and hedge round them by shifting the venue of their meetings to mosques."

There were several other similar reports. From these reports we got the impression that the situation needed attention and that is why we asked for further information.

Q. Did you also receive information that offensive speeches were made at Rabwah in December 1952?

A. I do not recollect all these things.

Q. Did any speech alleged to have been made by Sir Muhammad Zafarullah Khan in a mosque of the Ahmadis

in Karachi on 12th August, 1952, come to your notice?

A. I do not remember any such speech by Sir Muhammad Zafarullah Khan having been brought to my notice.

At the suggestion of Maulana Murtaza Ahmad Khan Maikash:

Q. What was the effect on the public mind of the speech delivered by Sir Muhammad Zafarullah Khan in Jehangir Park, Karachi, in May?

A. I would not be able to mention any details, but I can give you my impressions. A few people came to see me and they objected to the speech on the grounds, firstly, that it was tantamount to preaching the Ahmadi~~a~~ creed and secondly that in the posters issued by the organisers, the official designation of the Hon'ble Chaudhri Muhammad Zafarullah Khan was mentioned. These were the only two points that were brought to my notice. There were some disturbances in the city after the aforesaid speech.

Q. Was the second meeting, namely that on 18th May, held by the Ahmadi~~s~~ after the disturbances?

A. As far as I can remember, the disturbances on the first day were not of a very serious nature,

and I was on tour at that time. I came to Karachi on the 18th. I remember having asked for a report from the local administration and I was informed that no permission was necessary for holding the meeting. The police arrangements were made in the normal way because the local administration felt that in view of the Ahrar-Ahmadi controversy the posting of some police as a precautionary measure was desirable. Secondly, since a Minister of the Central Government was attending the meeting, the police had to make certain security arrangements.

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maintenance of law and order to the military authorities.

To Mr. Yaqub Ali Khan, Advocate, for Mr. Daultana:-

It is true that in reply to a question in the Assembly in November I referred to the letter dated 7th September 1951, from Mr. G. Ahmad, Secretary to the Ministry for Interior.

To Court:-

Q. It is stated by Mr. Hamid Nizami that a file of newspapers alleged to contain articles contributed from a common source was handed over to you at Karachi, Have you brought that file with you?

A. I have brought it, but it is with my P.A. I shall send it from the Government House.

(The witness has been requested to send the file.)

Q. In what connection was the file produced before you?

A. Mr. Hamid Nizami had told me that articles were appearing in certain papers encouraging the agitation, but as far as I remember, the suggestion was that the papers in which in which the articles appeared, were those which were favourably inclined to Government. The file which Mr. Hamid Nizami produced before me, contained such articles.

R. O. & A.C.

Sd/- M. Munir
President.

Sd/- M. R. Kayani
Member.

Proceeding adjourned till tomorrow, t

2nd December 1953.

Sd/- M. Munir
President.

the 3rd December 1953

Sd/- M. R. Kayani
Member.